

## **REPORT TO ABERDEENSHIRE COUNCIL – 26 SEPTEMBER 2019**

**Reference No: F/APP/2018/1814**

**Planning Permission in Principle for the Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie, Aberdeenshire**

### **1. Purpose of Report**

- 1.1 Full Council is able to consider and take a decision on this item in terms of Section A.11.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development, which in the professional opinion of the Head of Planning and Environment Service is a significant departure from the Development Plan, and therefore will be determined by Full Council following consultation with the relevant Area Committee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and had no comments to make and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

### **2. Background and Proposal**

- 2.1 The application is for Planning Permission in Principle for the erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at land at Menie Estate, Balmedie, Aberdeenshire.
- 2.2 The site is located within the Aberdeen Housing Market Area approximately 1.6km north of the Balmedie settlement boundary to the east of the A90 and measures approximately 84 hectares in area. The land has been in long-term agricultural use with woodland areas, as well as the existing hotel accommodation at MacLeod House and Lodge. A site location plan is attached at **Appendix 1**.
- 2.3 Although this is a Planning Permission in Principle (PPIp) application with 8 Chapters (phases), the developer has submitted full detailed drawings and assessment reports for Chapters 1A and 1B to allow for a full assessment of these elements alone. This means that the application can be considered as a “hybrid”, with a large portion of the site subject to Planning Permission in

Principle considerations and the remainder being subject to a more in-depth, detailed assessment (similar to an application for Full Planning Permission). Any permission granted would be reflective of the level of detail submitted in terms of further stages, matters specified in conditions and requisite approval required. **Appendix 2** refers to the PPIP Site Plan and **Appendix 3** refers to the site plan for Chapters 1A and 1B.

- 2.4 In line with the terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of Aberdeenshire Council's Scheme of Governance and under Section 38A of The Town and Country Planning (Scotland) Act 1997 (as amended) and Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended), a mandatory Pre-Determination Hearing was held on 12 December 2018 by a Committee of the Authority. Appendix 6 within the Formartine Area Committee Report of 3 September 2019 contains the note of the Hearing. The Formartine Area Committee Report from this meeting is attached at **Appendix 4**.
- 2.5 The Formartine Area Committee was initially asked to give their view on this application, prior to consideration by Full Council, at their meeting on 26 March 2019. Following this meeting, the Agent submitted a significant amount of new information, seeking to address the outstanding matters highlighted in the Formartine Area Committee Report and to provide further information sought by Members of the Formartine Area Committee. Appendix 15 within the Formartine Area Committee Report of 3 September 2019 contains the Minute of the 26 March 2019 Formartine Area Committee Meeting.
- 2.6 The following information is appended:
- **Appendix 1:** Location Plan
  - **Appendix 2:** PPIP Site Plan
  - **Appendix 3:** Chapters 1A and 1B Site Plans
  - **Appendix 4:** Report to Formartine Area Committee of 3 September 2019, plus 15 Appendices
    - **Appendix 1:** Location Plan
    - **Appendix 2:** PPIP Site Plan
    - **Appendix 3:** Chapter 1A Site Plan
    - **Appendix 4:** Chapter 1B Site Plan
    - **Appendix 5:** Full List of Previous Planning Application History
    - **Appendix 6:** Pre-Determination Hearing Note
    - **Appendix 7:** Consultation response from Belhelvie Community Council
    - **Appendix 8:** Consultation response from Foveran Community Council
    - **Appendix 9:** Map showing locations of both Ramsar Site and Special Protection Area
    - **Appendix 10:** Table listing all Consultees and recommendations

- **Appendix 11:** Balmedie Settlement Statement
- **Appendix 12:** Table showing all Outline Planning Conditions and those which have been discharged
- **Appendix 13:** Table showing all development granted, delivered and pending delivery
- **Appendix 14:** Design Review Panel Note
- **Appendix 15:** Minute extract of Formartine Area Committee 26 March 2019
- **Appendix 5:** Draft Minute of 3 September 2019 of Formartine Area Committee

2.7 The applicant has provided supporting information covering a number of issues, namely:

Prior to 26 March Formartine Area Committee

- Tree Survey Report + Drawings for PPIp site as well as Chapter 1A and B, submitted 25 July 2018. Amended documents for Chapters 1A and B, submitted 11 September 2018, 11 February 2019, 15 March 2019 and 20 March 2019.
- Non-Housing Development - New Floorspace Proposed Table, submitted 25 July 2018.
- Archaeological Desk-Based Assessment, submitted 25 July 2018.
- Construction Environment Management Plan, submitted 25 July 2018.
- Construction Traffic Management Plan, submitted 25 July 2018.
- Design Statement, submitted 25 July 2018.
- Drainage Assessment, submitted 25 July 2018. Amended document, submitted 11 December 2018. Further amended document, submitted 25 January 2019.
- Draft Heads of Terms, submitted 25 July 2018.
- Pre-Application Consultation (PAC) Report, submitted 25 July 2018.
- Planning Statement, submitted 25 July 2018.
- Ecological Impact Assessment, submitted 7 August 2018.
- Landscape and Visual Impact Assessment, submitted 7 August 2018. Further information submitted 23 November 2018.
- Flood Risk Assessment (Scoping Study), submitted 28 August 2018.
- Transport Assessment, submitted 28 August 2018. Amended document, submitted 30 January 2019. Further amended Transport Assessment, submitted 18 February 2019.
- Economic Impact Assessment of Phase Two, submitted 11 September 2018.
- Response to SEPA Comments, submitted 30 January 2019.
- Flood Risk Assessment (Detailed Study), submitted 30 January 2019.
- Bat Survey Results, Tree Survey for Roosting Bats, submitted 5 February 2019. Update on Bat Survey, submitted 11 February 2019.
- Supplementary Design Statement, submitted 7 February 2019.
- Outdoor Access Plan, submitted 7 February 2019.

- Landscape Phasing Plan, submitted 7 February 2019.
- GWDTE (Groundwater Dependant Terrestrial Ecosystem Assessment) Report, submitted 11 February 2019. Amended Report submitted 22 March 2019.
- Landscape Mitigation Plan, submitted 11 February 2019.
- Ancient Woodland Inventory Report, submitted 18 February 2019.
- Street Engineering Review and Design Quality Audit, submitted 18 February 2019. Updated Reports submitted 8 March 2019.
- Email with approximate build-out rate for the initial detailed phase, submitted 7 March 2019.
- Report to inform an Appropriate Assessment, submitted 8 March 2019.
- Update from CFA on the Impacts on the listed building in light of updated Masterplan, submitted 8 March 2019.

Following Completion of 26 March Formartine Area Committee Report

- Further amended Tree Survey Report for Chapters 1A and 1B, submitted 15 March 2019. Further amended on 20 March 2019. Further Amendment for Chapter 1B on 7 August 2019.
- Bin store information, submitted 15 March 2019. Further amended 9 April 2019.
- Arboriculture Impact Assessment for Chapters 1A and 1B, submitted 15 March 2019. Further amended 20 March 2019. Further Amendment for Chapter 1B on 7 August 2019.
- Groundwater Dependant Terrestrial Ecosystems Report submitted 22 March 2019.
- Compensatory Planting - Supplementary Note, submitted 8 April 2019.
- Design Review Panel Response, submitted 9 April 2019.
- Chapter 1A Landscape Strategy, submitted 9 April 2019.
- Chapter 1A Vehicle Movement Strategy, submitted 9 April 2019.
- Chapter 1A Housing Mix Diagram, submitted 9 April 2019.
- Play Area Strategy, submitted 9 April 2019.
- Swept Path Analysis extract, submitted 10 April 2019. Amended on 12 April 2019.
- Updated Street Engineering Review and Quality Audit, submitted 12 April 2019.
- Compensatory Planting Report, submitted 12 April 2019.
- Water Features Survey – Supplementary Note, submitted 12 April 2019.
- Economic Impact Assessment of Phase 2, submitted 12 April 2019.
- Environmental Mitigation and Management Plans, submitted 12 April 2019.
- Supplementary Note on North East Economy and Tourism, submitted 12 April 2019.
- Updated Flood Risk Assessment, submitted 10 May 2019.
- Outdoor Access Management Plan, submitted 6 June 2019.

2.8 There is an extensive planning history for the site. **Appendix 5** within the Formartine Area Committee Report of 3 September 2019 lists the full planning history. The most relevant applications, however, include:

- APP/2006/4605 – Outline Planning Permission (OPP) for a Golf Course and Resort Development. Granted by Scottish Ministers on 16 December 2008.
- APP/2010/0423 – Approval of Matters Specified in Conditions (MSC) for Outline Planning Permission (Ref: APP/2006/4605) Including (1) Masterplan and (2) Championship Golf Course Detail Including Driving Range, Short Game Area, Putting Green and Turf Nursery. Granted on 24 June 2010.
- APP/2010/1535 – Full Planning Permission (FPP) for the Construction of Championship Golf Course including Driving Range, Short Game Area, Putting Green & Turf Nursery. Approved on 30 June 2010.
- APP/2012/3123 – FPP for the Change of Use from Lodge to form part of the Golf Course & Resort Development including Accommodation for Guests and Tourists. Approved on 10 January 2013.
- APP/2012/3126 – FPP for the Change of Use of Macleod House to a use that forms part of the Golf Course Resort Development. Approved on 18 February 2013.
- APP/2014/2972 – FPP for the Erection of a Clubhouse. Approved on 21 October 2014.
- APP/2015/0873 FPP for the Extension to Provide Banqueting Accommodation and 6 No. Additional Hotel Rooms with Ancillary Leisure and Operational Facilities. Approved on 15 July 2016.
- APP/2015/2823 – FPP for the Construction of 18 Hole Golf Course and Ancillary Facilities. Currently under assessment.
- APP/2017/0533 – Modification of Planning Obligation No.7 of Section 75 Agreement (APP/2006/4605 and APP/2010/0423). Currently under assessment.
- ENQ/2015/0526 – Proposal of Application Notice (POAN) for Planning Permission in Principle for the Erection of 850 No. Residential Units, 1,900 No. Leisure Accommodation Units with Ancillary Commercial Development. A public consultation event took place in line with Legislation on 5 May 2015. POAN agreed on 13 April 2015.
- ENQ/2018/0706 – Environmental Impact Assessment (EIA) Screening for Residential Development. Having evaluated the potential significance of the likely environmental effects, it was considered that the proposed development, by virtue of its characteristics, location and characteristics of the potential impact, was not likely to have a significant environmental effect to the extent that expert and detailed study through EIA is needed to properly assess any effect. It was, therefore, the opinion of Aberdeenshire Council, as Planning Authority, that the proposed development did not constitute 'EIA development' under the terms of the EIA regulations. EIA Screening response sent on 15 May 2018.
- ENQ/2018/0769 – Pre-Major Application Enquiry Development Comprising up to 550 Dwellings (up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities, Development Falling within

Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink), Landscaping and Supporting Infrastructure. Major meeting with consultees took place on 17 May 2018. A minute was taken and provided to the agent.

### **3. Representations and Consultations (Summary)**

- 3.1 A total of 2,921 valid representations (2,918 in objection, of which 1 letter contained a petition with 18,722 names and 3 in support) from different households have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 3,004 letters in total. All valid representations can be viewed on the Aberdeenshire Council Website. All issues raised have been considered.
- 3.2 Several representations (both objection and support) were received after the closing period for submitting comments. Whilst these have not been included in the above numbers, all valid material issues have been considered.
- 3.3 The representations are summarised in more detail in the Formartine Area Committee Report of 3 September 2019, specifically Section 3.
- 3.4 The consultation responses are summarised at Section 4 of the said Formartine Area Committee Report.

### **4. Principle Planning Issues (Summary)**

- 4.1 In terms of the planning application, the main issues arising from Local and Scottish Planning Policy (SPP), and other material considerations, are as follows:

- Strategic Development Plan and Scottish Planning Policy;
- Local Development Plan;
- Economic Benefits;
- Housing Land and Affordable Housing;
- Developer Obligations;
- Layout, Siting and Design;
- Access and Servicing;
- Drainage and Flood Risk;
- Landscape and Visual Impact;
- Natural Heritage;
- Built Heritage; and
- Other considerations

#### **Strategic Development Plan and Scottish Planning Policy**

- 4.2 This proposal has been found to be of a nature that it is relevant to consider the whole Development Plan context which comprises the Strategic Development Plan 2014 and the Local Development Plan 2017. As noted in

section 9 of this Report, due to the Aberdeen City & Shire Strategic Development Plan 2014 being beyond its 5-year review period, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014 (SPP).

- 4.3 The Planning Authority must therefore consider the contribution that this proposal makes to sustainable development. As per SPP, the strong materiality of economic benefit related to this proposal is acknowledged. In addition to this, the existing allocation for development on this site within the current Local Development Plan, which is supported by the extant planning consent for development of this site, must also be considered as a further strong material consideration in this case. In any instance, it is apparent that the identified weaknesses of the development in terms of sustainability, related primarily to connectivity and a less than ideal reliance on the private vehicle, is not exacerbated by the current proposals when compared to that already consented on site. Measures in the form of cycle and walking connectivity where possible and a public transport strategy can be sought to mitigate for these shortcomings. The developer has promoted sustainability through alternative aspects of the development, such as on-site facilities, high quality recreational space and a fabric first approach to address construction sustainability for individual properties and buildings. In addition, the site would provide a net benefit to housing delivery numbers identified in the existing SDP, as the site is considered constrained within the Housing Land Audit for Infrastructure reasons (related to the delivery of the AWPR) and, as such, would be in addition to the identified five-year effective land supply.

#### **The Local Development Plan**

- 4.4 The site is allocated in the current Aberdeenshire Local Development Plan 2017 in the Balmedie Settlement Statement as OP3, which sets out the allocation of the site in full. The allocation includes up to 500 houses, community facilities, holiday apartments, as well as golf villas and a resort hotel.
- 4.5 The supporting text to the allocation highlights the importance of the social and economic benefits of the Outline Planning Permission (OPP) but does not support proposals which would deviate from the previously consented scheme. It is clear that the delivery of tourist accommodation and development which directly supports the local economy, in the first instance, is the desired outcome, with private housing intended to follow.
- 4.6 Whilst the components of this application ((550 dwellinghouses (up to 500 residential units and a minimum of 50 leisure/resort units) as well as community facilities and food and drink uses)) are all components of the original OPP, the proposal falls short of the 450 bedrooms proposed for hotel use and 36 'golf villas' in terms of the tourist accommodation offer. It is highlighted that a 21-bedroom hotel within Macleod House and Lodge, in addition to a championship golf course and golf related facilities, the clubhouse and maintenance building have already been delivered on site.

The Planning and Environment Service is currently assessing an application for a second golf course within the Estate which will be reported to the Formartine Area Committee in due course. The submitted Economic Impact Assessment states "Phase 3 and future phases will continue to bring forward each component of the original vision for the site."

- 4.7 Whilst, as noted above, the provision of 54 resort rooms does not fulfil the allocation, it is a step towards it, as with the inclusion of other facilities such as the gym, shops and potential for food and drink uses to provide additional economic and social benefits to the area. As such, the Planning and Environment Service is satisfied that the proposals comply with Policies B3 Tourist facilities and Policy P6 Community infrastructure.
- 4.8 The developer has explained in the Planning Statement the reasoning for the early draw forward of the housing. This has been due to the original phasing being no longer economically viable. This will be discussed in more detail below.
- 4.9 It is recognised that the current application is a significant departure from the allocation in terms of the original phasing and Section 75 but meets the requirements of other key policies. In order to fully assess the acceptability of the principle of development, other matters must also be assessed, mainly the economic implications and housing land.

### **Economic Benefits**

- 4.10 Whilst completion of the development as consented would obviously be welcomed, the changes to the phasing of the development does make it less attractive economically by providing the residential element prior to the tourism infrastructure.
- 4.11 The developer has submitted an Economic Impact Assessment for Phase 2 of the development. The challenging environment for investment as a result of the 2008 recession and oil price collapse in 2014 are outlined. It is asserted that market prospects today are very different compared to a decade ago and that the current proposal would generate several long-term jobs, in addition to the construction jobs, along with wider benefits from construction.
- 4.12 Both Scottish Planning Policy (SPP), the National Planning Framework 3 (NPF3) alongside the Aberdeen City and Shire Strategic Development Plan offers support for business and sustainable economic growth, but also highlights that there should be the ability to be flexible to accommodate changing circumstances. The Local Development Plan Settlement Statement allocation does not, however, allow any flexibility in this regard. SPP alongside NPF3 also highlights that house building makes an important contribution to the economy, which is clear from the findings of the submitted information.
- 4.13 It is apparent that the Council's Business Development Executive has confirmed that the proposal would lead to an increase in direct and indirect job



opportunities and lead to diversified local economic growth. The Planning Service considers that, as outlined in national and regional policy documents, a pragmatic and flexible approach is required in this instance, if the full resort development is to be realised over time. The current proposal continues to offer net economic benefits to the area in the form of affordable housing in the Ellon Academy Catchment Area, and the provision of construction, commercial, leisure and tourism job opportunities.

### **Housing Land and Affordable Housing**

- 4.14 Policy H1 Housing land supports the principle of the development within the OP3 allocated site. As this application proposes development of a scale that does not exceed the allocation, the proposal aligns with Policy H1 Housing.
- 4.15 The Heads of Terms for a Section 75 have been agreed for all contributions sought, this includes a 25% affordable housing contribution in the form of a commuted payment in order to address the local housing need in the Ellon Academy catchment area. This is the preferred option which is supported by Aberdeenshire Council waiting list 2019 and the Housing Need and Demand Assessment 2017. The proposal is considered to comply with Policy H2 Affordable Housing. Future Chapters will also require a 25% contribution and there is scope for the consideration of on-site delivery of affordable housing units which meets local housing needs. This would require to be assessed prior to any future applications. This has been agreed in principle with the developer and given that the Heads of Terms for a Section 75 have now also been agreed for all other contributions sought, the proposal is considered to comply with Policy H2 Affordable Housing.

### **Developer Obligations**

- 4.16 Aberdeenshire Council is seeking contributions towards Affordable Housing, Primary Education, Community Halls, Sports and Recreation, Healthcare and Waste and Recycling. The Education and Children's Service has confirmed that there should be no impacts on secondary school capacities. As such, the proposal complies with Policy RD2 Developers' obligations.

### **Layout, Siting and Design**

- 4.17 In terms of general layout, siting and design, as part of this hybrid style application, detailed designs and layout have been provided for Chapters 1A and B. The remaining Chapters of the proposal are only indicative at this stage.
- 4.18 The proposal is considered to meet the six qualities of successful places, as outlined in Policy P1, Layout, siting and design. The Planning and Environment Service finds that the proposal would create a distinctive development with a sense of local identity. Following the submission of further information, the proposal is now considered to be sufficiently serviced in terms of public access provision within and around the Menie Estate, and

measures to enhance biodiversity are achievable. As such, the application complies with all of the criteria of Policy P1, Layout, siting and design.

- 4.19 Within the open space provision, the submitted plans show existing tree belt/woodland retention, the provision for strategic tree planting, civic open space, green corridors, play areas and buffer strips alongside water bodies. There is potential, in future phases, to provide high quality open space in the form of sports pitches, play areas, etc. Therefore, the application also complies with Policy P2 Open space and access in new development.
- 4.20 In line with the requirements of the Settlement Statement allocation, a design review process has taken place through the Aberdeenshire Design Review Panel. Appendix 14 within the Formartine Area Committee Report of 3 September 2019 contains the note and the key matters highlighted by the Panel for the applicant's consideration.
- 4.21 The Design Review Panel process provides additional advice to the developer on how the proposal could be enhanced. Whilst the process is useful, it is also advisory and there is no obligation for the developer to include all recommendations made through this process. Matters raised were reflective of advice given to the developer by the Planning and Environment Service at pre-application stage and in addition to physical design guidance, comments also addressed matters such as open space and biodiversity. Comments received in relation to such matters are also taken on board by the Planning and Environment Service and have influenced ongoing negotiations and proposed planning conditions.
- 4.22 Whilst the Design Review process was carried out at a later stage in the determination process, there is no doubt that the process was worthwhile as the current detailed proposals are considered to be early phases in the overall aspiration of the developer at this location and comments will hopefully influence any future development proposal related to the current scheme.

### **Access and Servicing**

- 4.23 It should be noted that the internal layout of the remainder of the chapters cannot be assessed at this stage, given the indicative layout. The key issue is the principle access arrangements which need to be agreed at this stage. It is general practice that other detailed elements could be agreed by way of condition. Whilst the phasing of the development differs from the extant permission and the LDP allocation, the number of residential units has not been exceeded and the site has always been remote from local facilities and was approved in this knowledge and accepted through the LDP Examination.
- 4.24 Transport Scotland has no objections to the proposals and has not requested a grade separated junction at this time. The developer has submitted an updated Street Engineering Review and Quality Audit, and Infrastructure Services (Roads Development) have confirmed that the local road network would be in accordance with the principles of Designing Streets.

- 4.25 The Planning and Environment Service acknowledges the comments from Transportation looking at the strategic transportation issues and appreciates that national and local policy documents pertaining to new development should have good connectivity, and sustainable travel options with the aim of reducing the need to travel. It is accepted, however, that both the OPP and the allocation of the site within the Local Development Plan is a strong material consideration.
- 4.26 It is apparent that the strict adherence to relevant policy criteria outlined by Transportation reflects a consistent approach to how all new development proposals are considered. However, in this instance, it is the opinion of the Planning and Environment Service that balanced consideration must be made of the application's merits, whilst taking account of the significant material weight attached to the planning history on this site. The site has always been remote from the wider community, but the economic benefits outweighed the environmental impact when the Scottish Ministers granted OPP. Therefore, the Planning and Environment Service would consider the proposal acceptable as a departure from Policy RD1 Providing suitable services and Policy P1 Layout, siting and design.

#### **Drainage and Flood Risk**

- 4.27 Scottish Water has no objection to the proposed drainage proposals, but has highlighted that upgrades will be required within the existing water network, for the drainage network and at the treatment works. Following the submission of updated information, SEPA has withdrawn its objection on surface water and foul/waste water drainage and requested a condition be attached if the application is approved to ensure the connection of the development to the public sewer. The Flood Risk and Coast Protection Service has also advised that what has been provided at this stage is acceptable, but detailed designs would require to be submitted. This could be dealt with by an appropriate condition. The proposal is now considered to meet the requirements of Policy RD1 Providing suitable services for water and waste and Policy PR1 Protecting important resources.
- 4.28 Turning to flood risk, the findings of the initial Flood Risk Assessment(FRA) concluded that Chapter 1A is not expected to be at risk of overland flooding and Chapter 1B is potentially at risk, with historic cases of overland flow though the development site. Following the submission of updated information, and the slight relocation of the proposed gym and fitness centre building, SEPA have confirmed that in relation to the detailed elements of the proposal (Chapter 1A and Chapter 1B) that no further information is required in relation to flood risk. It is clarified that an updated, and site-specific FRA is required for either the wider PPiP site, or any detailed individual chapters/ phases and this, along with the identified measures outlined in the FRA require to be conditioned as part of any consent. The Flood Risk and Coast Protection Service have also confirmed their satisfaction with the proposed details subject to appropriate conditions being attached, should the Planning Authority be of a mind to approve this current application. The proposal is now considered to meet the requirements of Policy C4 Flooding.

## **Landscape, Visual Impact and Trees**

- 4.29 The Planning and Environment Service does not consider that the proposed development, both the housing and the other uses proposed, would have an undue visual impact on the wider landscape character areas and the special landscape area. Due to the loss of a significant number of trees within the site, as outlined within the Tree Survey, there could be an unacceptable impact on the important natural landscape within Menie Estate. Information submitted by the developer in order to address this matter in the form of a compensatory tree planting scheme and adjustments to layout to largely avoid impact on ancient woodland has been fully considered by the Planning and Environment Service in consultation with Forestry Scotland. It is considered that in this instance, the proposed level of replacement tree planting (3.07ha lost and 5.6ha as compensatory planting) forms suitable mitigation and the development, as a whole, meets the test under the Scottish Government's Control of Woodland Removal Policy, of providing significant and clearly defined additional public benefits which is further enhanced by way of the suitable mitigation proposed. As such, the proposal is now considered to comply with Policy E2 Landscaping.

## **Natural Heritage**

- 4.30 All new developments present an opportunity for biodiversity enhancement, in line with Planning Advice. Whilst no firm details of this have been provided at this stage, they can be controlled by condition.
- 4.31 Following the Formartine Area Committee Meeting, it has been confirmed by Scottish Natural Heritage (SNH), that adequate information had been submitted to allow Aberdeenshire Council to update the 2008 Appropriate Assessment related to the impacts on the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area (SPA) which is designated for its important bird populations. It is the opinion of SNH that the proposal will not adversely affect the integrity of the site in this regard. As such an Appropriate Assessment was carried out by the Planning and Environment Service in line with the Conservation (Natural Habitats, etc.) Regulations 1994. This concluded that there would not be any significant adverse impact on any qualifying interests.
- 4.32 At this time, the requirement for a further Bat Survey would result in the proposals failing to demonstrate that there would be no detrimental impact on any protected species at this time. The developer has indicated that a further survey will be submitted to address the concerns raised. It is, however, apparent that the required survey can only take place within the recognised summer season. As such, the application fails to comply with Policy E1 Natural Landscape and Policy PR1 Protecting important resources, however, it is anticipated that this matter can be addressed, in due course, following the submission of further information.

## **Built Heritage**

- 4.33 Infrastructure Services (Archaeology) have not raised any concerns regarding the proposals, but have requested that a programme of archaeological works (WSI) is requested by condition should the application be approved. Whilst the housing element of the proposed development would be visible in the wider landscape of MacLeod House, the location, to the south past the main landscaped gardens of MacLeod House, is not considered to have a negative effect on the character or setting of the listed building. As such, the Planning and Environment Service is content that the amended proposals comply with Policy HE1 Protecting historic buildings, sites and monuments of the Local Development Plan (LDP) and Managing Change in the Historic Environment documents and welcomes additional planting to integrate the new development and reduce any impact on important existing historical buildings and characteristics.

## **Other Considerations**

- 4.34 The site is covered by pockets of prime agricultural land. It is, however, apparent that Policy PR1 Protecting important resources excludes allocated sites within the Development Plan. For noting, Chapters 1A and 1B have no pockets of prime agricultural land. As such, the proposed development is not in conflict with this section of the policy or Scottish Planning Policy.
- 4.35 In terms of carbon neutrality and energy efficiency, no detail has been provided at this stage. This is usually dealt with by way of a condition and SEPA has agreed this is acceptable. As such, at this stage the proposal is not considered to conflict with Policy C1 Using resources in buildings.
- 4.36 The site is located within the Energetica Corridor, which stretches from Aberdeen to Peterhead, generally in line with the northern “Strategic Growth Corridor” as defined in the Strategic Development Plan 2014. The Energetica Corridor is covered by Policy B4 Special development areas. Development in the Energetica Corridor will need to keep to a design and sustainability vision. The key factors for enhancing the quality of life with the planning advice include; access to quality education, social offerings such as places to meet or entertainment venues, openness or how welcoming a place is, and the area’s physical beauty and green spaces. It is the opinion of the Planning and Environment Service that the overarching vision of the proposed development would comply with the aims of the Planning Advice and, therefore, Policy B4.
- 4.37 With regard to comments raised within the representations, the Planning and Environment Service considers all relevant material considerations have been addressed in the content of this Report and associated Formartine Area Committee Report.

### **Matters Arising at Formartine Area Committee Meeting 26 March 2019**

- 4.38 At the meeting of 26 March 2019 Formartine Area Committee, Members requested that further detailed information be provided for consideration at Full Council, in relation to a number of matters outlined below.

#### Economic Impact of the Development

- 4.39 Following the request of the Formartine Area Committee at its meeting of 26 March 2019, for further economic justification, the developer has submitted two further separate documents in support of the proposal. These address the current state of the North East economy and an assessment of the economic impact of the second phase of development proposed.
- 4.40 For clarification, and as reported above and in the Formartine Area Committee Report of 26 March 2019, the Economic Impact Review submitted by the developer, as part of the original 2006 Outline Planning Permission documents, estimated that the resort development could generate approximately 950 local jobs as net additional development related employment, 1,900 local jobs and 4,050 national jobs as net additional construction industry employment and a net additional development related Gross Value Added (GVA) of £43.5 million at the local level and £42.4 million at a national level.
- 4.41 For comparison, the new Economic Impact Assessment of Phase Two Report estimates that Phase Two (the current application) could generate a net long-term economic annual impact of approximately 268 overall jobs of which 244 will be local jobs (located in Aberdeenshire) and a gross impact of development construction related employment of approximately 2,120 national jobs of which 1,980 will be local jobs. In summary, the net economic impacts for Phase 2 related GVA would be £14.2 million at a national level, of which £12.4 million will be experienced at the local level.
- 4.42 It is apparent that when comparing the current proposals with the original development proposed for this phase of works, the proposal is now heavily weighted towards the delivery of private housing. It is in this simplified context that comments received from Aberdeenshire Council Business Development Executive has described the proposals as a '*weak substitute*'. It is, however, clear that the proposals do not represent an 'either/or' scenario, but are more accurately a re-composition of development proposals to reflect the current economic climate and demand. When viewed in this context, Business Development confirm that the proposals are considered very welcome.
- 4.43 The Planning and Environment Service has sought to identify further opportunities relating to the development to ensure that the social and economic impacts remain at the forefront of the proposal. To this end, following the Formartine Area Committee Meeting, discussions between the Planning and Environment Service and the developer have resulted in the developer expressing a willingness to deliver the tourist accommodation elements detailed in the current proposals (which equates to 54 resort rooms)

in parallel with any private housing consented as part of this application. It is, therefore, proposed to condition the phasing of the development in the manner outlined.

#### Grade Separated Junction on the A90 Balmedie Tippetty Dual Carriageway

- 4.44 Following further consultation with Transport Scotland, as requested by Members of the Formartine Area Committee, Transport Scotland has confirmed that the trunk network, as delivered by the AWPR Balmedie to Tippetty project, would be capable of servicing the anticipated level of development satisfactorily and preclude the requirement for a further grade separated junction.
- 4.45 Transport Scotland has further clarified that in respect to the former A90 (now B977), Aberdeenshire Council, as local Roads Authority, will need to satisfy itself regarding the acceptability of the development impacts of these proposals on the local road network. It has, therefore, been confirmed by Transportation that the existing road network has adequate capacity to accommodate the level of extra vehicular movements generated by the current application.

#### Impact of the Development on Protected Species

- 4.46 In terms of further clarification of the impacts of the proposals on protected species, it is apparent that an extended Phase 1 Habitat Survey was carried out, as well as additional surveys for bats and geese in order to inform the submitted Ecological Impact Assessment (EclA). As a result, mitigation measures have been proposed for habitats, protected species and general biodiversity protection and enhancement.
- 4.47 As outlined previously, the proposal will not result in a significant adverse impact on ecologically important habitats. In terms of the impact on specific identified species, it is apparent that in relation to bats, as highlighted above, the EclA advises that an updated bat survey is required and is to be submitted prior to any consent being issued were this application to be considered favourably. The required survey can only be carried out within the summer months. According to legislation this is not a requirement that can be subject to a planning condition and the outcome of any survey must be agreed prior to any planning permission being consented.
- 4.48 In relation to otters, the submitted surveys recorded no evidence of ongoing use of the ponds. However, it is proposed to carry out pre-construction and repeat surveys during construction to ensure legal obligations are met.
- 4.49 Ongoing badger activity was recorded during the 2018 surveys. However, it is proposed to carry out pre-construction and repeat surveys during construction to ensure legal obligations are met. As any ecological survey is essentially a snapshot in time, up to date surveys will be required for each subsequent phase that comes forward for development.

- 4.50 In terms of birds, it is anticipated that there will be some loss of nest sites for ground nesting farm birds. However, this will not be a significant adverse impact due to the proximity of similar habitat adjacent to the site. The development site does not directly impact upon any designated nature conservation sites. However, geese from the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area are known to use this area for feeding. A goose survey was also carried out in spring 2018 and included within the submitted EclA. In summary, with the exception of bats, the applicant has now provided a full suite of information related to protected species that could potentially be impacted by the proposed development. On assessment, and in conjunction with relevant technical consultees, such as SNH and the Council's Environment Service, the Planning and Environment Service is satisfied that all potential impacts have been identified and where appropriate mitigation or ongoing monitoring measures identified.

#### Provision of Primary School

- 4.51 Developer Obligations has confirmed that contributions have been secured toward the provision of additional primary school capacity in the Balmedie or Foveran area. The Menie development sits across the catchment areas of both Balmedie School and Foveran School so will have an impact upon the roll and capacity of both schools. The existing Balmedie Primary School is forecast to exceed its operating capacity in 2021. To address this issue and provide capacity within the education estate for pupils generated by the Menie development and the recently approved housing developments at Blackdog and Chapelwell, Education and Children's Services propose to deliver additional primary school capacity in the Balmedie to Ellon corridor.

#### Construction Traffic Management Plan

- 4.52 Transportation has confirmed that the most practical way to address concerns related to construction traffic management is to ensure that a suitable planning condition is attached to the granting of any planning consent to ensure that a construction management plan is outlined prior to the commencement of any development. It is clarified that this is required in order to understand the construction impacts. It is further highlighted that access cannot reasonably be prevented to any part of the public road network without good reason to do so, however construction traffic impacts upon Balmedie could be minimised through the identification of appropriate construction traffic routing and management.

#### Compensatory Tree Planting and Further Consultation with Scottish Forestry

- 4.53 As indicated within this Report, further information related to compensatory tree planting has been submitted by the developer. Scottish Forestry have confirmed that the proposed scheme of compensatory planting exceeds the amount of woodland loss in this instance (3.07ha lost and 5.6ha as compensatory planting). It is highlighted that under the Scottish Government's Control of Woodland Removal Policy there is a strong presumption in favour of protecting Scotland's woodland resources and



removal should only be allowed where it achieves significant and clearly defined additional public benefits and that compensatory planting may form part of this balance. In light of the information received, the Planning and Environment Service is satisfied that the public benefits generated from the development, in conjunction with the enhancement proposed by additional tree planting, is considered to be acceptable and in accordance with the terms of the Scottish Government's Control of Woodland Removal Policy.

Greater population of appendices 10, 12 and 13 of FAC Report

- 4.54 Relevant Appendices were updated for the Formartine Area Committee Meeting of 3 September 2019 and are attached as Appendices 10, 12 and 13 of the relevant Formartine Area Committee Report.

Clarification of Transportation input to the Local Development Plan with regards to the Site

- 4.55 Site OP3 at Balmedie was added at the Proposed Plan stage (2015). The proposal was not assessed by Transportation, as it was not a formal bid and was previously consented development.

**Summary**

- 4.56 The application is supported by several documents, both technical and non-technical, including a detailed phasing plan for the entire site. It is acknowledged that the developer has now addressed many of the outstanding holding objections from consultees through the submission of new and updated reports/information. As a result, the proposal continues to be considered as an acceptable proposal in principle.
- 4.57 Assessing all the above considerations, the Planning & Environment Service considers the potential economic benefits of the proposed development to have considerable merit. The residential development is considered to be acceptable as a departure from the Settlement Statement, in particular the phasing element. In addition, given the site is allocated within the Local Development Plan, the Planning and Environment Service is also content with a departure from Policy R1 Special rural areas. The Council is asked to confirm its agreement to this view.
- 4.58 Notwithstanding the above, the proposal is still required to comply with all other relevant policies and as a result of the awaited bat survey information, concerns in relation to Policy E1 Natural Landscape and Policy PR1 Protecting important resources remain. As such, the Planning and Environment Service is unable to fully support the application and recommend that this matter is delegated in order to allow the applicant time to satisfy the requirements of the Planning and Environment Service in relation to this matter. The relevant consultees have clarified that the outstanding requirement can be addressed and for this reason, the Planning and Environment Service consider it acceptable in these circumstances to allow this matter to be delegated, to enable the applicant to provide all the required

information. Should this matter not be addressed within a reasonable timescale, the Planning and Environment Service would refer this application back to Full Council.

## **5. Area Committee Decision (Summary)**

### Formartine Area Committee Meeting 26 March 2019

- 5.1 The Formartine Area Committee at its meeting on the 26 March 2019 agreed that the Committee did not reach a consensus view on the application. The Committee agreed to advise Full Council that members of the Committee had a mix of supportive, negative and neutral views on the application.
- 5.2 The Committee agreed to advise Full Council of the following matters discussed at Committee:
1. The planning application is a departure from the Local Development Plan (LDP) and it fails to comply with the approved Masterplan.
  2. The Report to Full Council to provide further information on:
    - a. economic benefits of the development;
    - b. road layout, access to the development and grade separated junction; and
    - c. impact of the development on Icelandic pink footed geese.
  3. Opportunities highlighted by the Aberdeenshire Design Review Panel not taken up by the applicant.
  4. Lack of affordable housing on site.
  5. Development in the area of ancient woodland.
  6. Outstanding objections from SEPA and Transportation.
  7. Concerns raised over connectivity in terms of transport policy.
  8. Ability of the development site to provide walking accessibility to local amenities and connectivity in relation to cycling.
  9. General concerns over lack of information.
- 5.3 The Committee agreed to request that further, more detailed information, be provided to Full Council on the:
1. economic impact of the development.
  2. grade separated junction on the A90 Balmedie Tippetty dual carriageway.
  3. impact of the development on any protected species.
  4. provision of primary school.
  5. construction traffic management plan (to reroute the construction traffic away from Balmedie).
  6. compensatory tree planting and further consultation with Forestry Commission.
  7. greater population of Area Committee report appendices 12 and 13.
  8. clarification of Transportation input to the Local Development Plan with regards to the site.

### Formartine Area Committee Meeting 3 September 2019

- 5.4 As highlighted in Paragraph 2.5 of this Report, following the 26 March 2019 Area Committee Meeting, the Agent submitted a significant amount of new information, seeking to address the outstanding delegated matters highlighted in the Formartine Area Committee Report and to provide further information sought by Members of the Formartine Area Committee. The Director of Infrastructure Services considered that the new information received may have further informed the view of the Formartine Area Committee and the Committee was, therefore, asked to further consider the application with the further information provided and assessed since 26 March 2019, so that the Area Committee could provide a properly informed and evidenced view for consideration at Full Council.
- 5.5 The Formartine Area Committee, at its meeting on the 3 September 2019, agreed that the Committee did not form a view on the application; and agreed to advise Full Council that further consideration of the following matters discussed at the meeting, was required by Full Council:
- (1) the extent to which the application is a departure from the Local Development Plan;
  - (2) the extent to which the application is a departure from the initial phasing and permissions previously approved;
  - (3) the extent to which the departure is seen as justifiable;
  - (4) the impact of the development on the community of Balmedie in terms of amenity given the lack of provision for a grade separated junction on the A90 Balmedie Tippetty dual carriageway; and
  - (5) the potential impact of the development on primary and secondary school provision in the wider catchment area;

## **6. Area Implications**

- 6.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Formartine Local Community Plan.

## **7. Implications and Risk**

- 7.1 An Equality Impact Assessment is not required because the granting or refusing of this application is not considered to have a detrimental impact on the protected characteristics of the applicant or any third parties.
- 7.2 There are no staffing and financial implications. The Council's Monitoring Officer has confirmed that although the impact of the proposed development will be mitigated by developer obligations funding secured by a Section 75 Legal Agreement, the payment of these funds to the Council is in no way guaranteed. This is because, as reflected in all housing proposals subject to Developer Obligations, payment is dependent on the proposed houses being built. In addition, there is no defined timescale for the delivery of the houses and, consequently, the payment of contributions.

- 7.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits, in accordance with the Development Plan, unless material considerations justify a departure.

## **8. Sustainability Implications**

- 8.1 No separate consideration of the current proposal's degree of sustainability is required, as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## **9. Departures, Notifications and Referrals**

### **9.1 Strategic Development Plan Departures**

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### **9.2 Local Development Plan Departures**

Balmedie Settlement Statement  
Policy R1 Special rural areas  
Policy P1 Layout, siting and design  
Policy E1 Natural heritage  
Policy PR1 Protecting important resources  
Policy RD1 Providing suitable services

- 9.3 The application is a Departure from the adopted Local Development Plan. The application has also been advertised in the Johnston Press. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 9.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

## 10. Recommendation

**That the Council agree that Authority to GRANT Planning Permission in Principle be delegated to the Head of Planning and Environment, subject to:-**

- The satisfactory submission of a further Bat Survey;
- The conclusion of a Section 75 Legal Agreement; and
- The following Direction and Planning Conditions.

### **Direction**

**DIRECTION UNDER SECTION 59(5) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:**

Aberdeenshire Council hereby directs that application for approval of all matters specified in conditions to a grant of Planning Permission in Principle must be made before whichever is the latest of the following dates:

- (i) The expiration of 15 years beginning with the date of the planning permission in principle; or,
- (ii) The expiration of 6 months from the date on which an earlier application (Matters Specified in Condition) for the requisite approval was refused or dismissed following an appeal or review.
- (iii) The expiration of 6 months from the date on which an appeal against such refusal was dismissed.

In relation to any matter under parts (i) and (ii) above, only one application for approval of matters specified in conditions may be made after the expiration of the planning permission in principle.

The development hereby granted shall be begun before the expiration of 15 years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

### **Conditions**

- 01 With the exception of Chapters 1A and 1B, details of the specified matters listed below shall be submitted for consideration by the Planning Authority for each phase of the proposed development, in accordance with the timescales and other limitations identified in the relevant direction made under Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development in connection with each phase shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the Planning Authority for each phase. The

development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing levels and a fixed datum point;
- b) Full details of the proposed means of disposal of foul and surface water from the development;
- c) The siting, design, height and external materials of all buildings or structures;
- d) The details of all roads, footpaths and cycleways throughout the development;
- e) Details of any screen walls/fencing to be provided;
- f) Measures to maximise environmental sustainability through design, orientation and planting or any other means;
- g) Details of all landscaping, planting and screening associated with the development;
- h) Details of the maintenance of all open space and treed areas not included in private house plots;
- i) A tree survey identifying all existing trees proposed to be removed or retained;
- j) A Badger Survey;
- k) Full details of waste/recycling collection point.

**Reason:** Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 02 Concurrently with the submission of the first application for the approval of MSC, plans showing the proposed phasing of the development shall be submitted to and approved in writing by the Planning Authority. Following approval of this phasing scheme, the development shall be implemented in accordance with the approved scheme.

**Reason:** To ensure the timeous provision of, and to retain control over, the development.

- 03 The total number of houses hereby granted shall not exceed 550 units. No more than 500 of the 550 houses hereby granted shall be sold as private houses.

**Reason:** The development of further private housing on this site as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area. Furthermore, to ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does

not adversely affect the safe and efficient operation of the trunk road network.

- 04 The golf villas and leisure/resort units hereby approved shall be occupied on a holiday letting or fractional ownership basis only and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the Planning Authority. The golf villas and leisure/resort units shall not be occupied as a person's sole or main residence and the owner of the golf villas and leisure/resort units shall maintain an up-to-date register of the name of each occupier of the golf villas and leisure/resort units on the site, their length of stay and their main home address, and shall make this information available at all reasonable times to the Planning Authority.

**Reason:** The occupation of the golf villas and leisure/resort units as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area and would undermine the economic and social benefits of the development.

- 05 No works in connection with the permission hereby approved shall commence, unless further details for the proposed scheme of compensatory tree planting outlined have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a) The location of the compensatory tree planting.
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting. (*The agreed compensatory tree planting scheme MUST be comprehensive and include timescales for the implementation of the works*)

The compensatory tree planting shall be carried out in complete accordance with the approved scheme. Any planting which, within a period of 5 years from the completion of the compensatory tree planting, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

**Reason:** In order to maintain woodland cover in accordance with the aims of local and national planning policies.

- 06 In accordance with condition 1 g), h) and i), no works in connection with each relevant phase of the development approved shall commence unless a scheme of hard and soft landscaping works has been submitted

to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012.
- b) Existing landscape features and vegetation to be retained.
- c) Protection measures for the landscape features to be retained.
- d) Existing and proposed finished levels.
- e) The location of new trees, shrubs, hedges, grassed areas and water features.
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- g) The location, design and materials of all hard landscaping works including any *walls, fences, gates, street furniture and play equipment*.
- h) An indication of existing trees, shrubs and hedges to be removed.
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall, thereafter, be permanently retained.

**Reason:** To ensure the implementation and management of a satisfactory scheme of landscaping, which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- 07 No individual dwellinghouse or building hereby approved shall be erected unless an Energy Statement, which demonstrates that the proposed energy efficiency measures adhere to the highest standard of current building regulations applicable to that dwellinghouse or building, has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.



The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

**Reason:** To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

- 08 No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought in to use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

**Reason:** To safeguard and record the archaeological potential of the area.

- 09 The proposed development shall be connected to the public water supply, as indicated in the submitted application, and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

**Reason:** To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

- 10 No works on any phase of the development hereby approved shall commence unless a detailed site-specific Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall include details of the proposed routing of construction traffic, temporary road openings, traffic management requirements and type and volume of traffic. Once agreed, all construction works on the site shall comply with the approved Construction Method Statement.

**Reason:** In the interests of protecting the environmental sensitivity of the site and its surroundings and to control environmental pollution.

- 11 No works in connection with each phase of the development hereby approved shall commence unless a Tree Protection Plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the trees to be retained, their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction).
  - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
  - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
  - d) An Arboricultural Impact Assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
  - e) An Arboricultural Method Statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
  - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development, hereby approved, shall commence unless the tree protection measures have been implemented in full, in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority. No fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

**Reason:** In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

- 12 No works in connection with the development hereby approved shall commence unless full details for the implementation and delivery of the agreed Outdoor Access Management Plan for continuing and enhanced non-motorised public access has been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved Outdoor Access Management Plan and timescales agreed.

**Reason:** To ensure the adequate provision of public access within and around the site.

- 13 No works in connection with the development hereby approved shall commence, unless a scheme of signage in respect of the Outdoor Access Management Plan strategy on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
- a) The location of the proposed signage.
  - b) The design and appearance of the proposed signage, including any structures and fittings.
  - c) Timescales for and details of the implementation and phasing of the signage works.
  - d) The proposed maintenance of the signage.

The signage shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter.

**Reason:** To protect the proposed *public path network* on the site and in the interests of public access within and around the site.

- 14 The development hereby approved shall be carried out in accordance with the approved Ecological Impact Assessment, Version 1, 30 July 2018 and subsequent Mitigation and Management Plans – Supplementary Note, by Ironside Farrar Environmental Consultants, April 2019.

**Reason:** In the interests of protecting the biodiversity of the environment.

- 15 Prior to commencement of any works in relation to Chapter 1B, the approximate 40 metre culverted section of the channel referred to as 'Crossing C' within the Flood Risk Assessment [Fairhurst; Menie Estate Aberdeenshire; Flood Risk Assessment; January 2019; Doc. No. 116740/G/W/03; Revision 2; Dated: 02/05/19] shall be removed and returned to open channel to the satisfaction of the Planning Authority in Consultation with SEPA and Infrastructure Services (Flood Protection).

**Reason:** In order to protect people and property from flood risk.

- 16 Finished floor levels (FFL) for all buildings within Phase 1B shall be set at a minimum elevation of the 0.5% annual exceedance probability (AEP) + climate change allowance flood level + 600mm freeboard, as stated within the Flood Risk Assessment based on the cross-section upstream of the built development (i.e. minimum FFL = 23.47m AOD).

**Reason:** in order to protect people and property from flood risk.

- 17 No land-raising or built development shall take place within the 0.5% annual exceedance probability (AEP) + climate change allowance floodplain, as defined on drawing [Fairhurst; Proposed 200 Year & 200

Year and CC Flood Extents; Dwg. No.16740/2108; Revision A; Dated: 18/04/19].

**Reason:** In order to protect people and property from flood risk.

- 18 As recommended within the Flood Risk Assessment [Fairhurst; Menie Estate Aberdeenshire; Flood Risk Assessment; January 2019; Doc. No. 116740/G/W/03; Revision 2; Dated: 02/05/19], no alterations to the bank levels within the vicinity of 'Crossing D', and no alterations to ground levels that would result in new flood-water flow-paths being introduced, shall be made.

**Reason:** In order to protect people and property from flood risk.

- 19 With the exception of Chapters 1A and 1B, no works in connection with the development hereby approved shall commence unless detailed, quantitative flood risk analysis/modelling has been undertaken for Chapters 2 to 8, and the results have been submitted to and approved in writing to by the Planning Authority. This should include appropriate drawings presenting the level and extent of the 0.5% annual exceedance probability (AEP) + climate change allowance floodplain.

**Reason:** In order to protect people and property from flood risk.

- 20 Buffer strips in line with Aberdeenshire Council's guidance shall be maintained in perpetuity around all watercourses/waterbodies.

**Reason:** In order to protect people and property from flood risk.

- 21 Prior to the commencement of any development related to Chapter 1A and 1B hereby approved, and as part of any future Matters Specified in Conditions (MSC) application for any further phase of the development hereby approved, full detailed surface water (SUDS) drainage design shall be submitted to and approved in writing by the Planning Authority. Details shall include appropriate drawings and calculations which address the following matters:
- a) The Drainage Impact Assessment (DIA) for each phase of the development should include the detailed design of the proposed SUDS components (e.g. basin/swale sizing, surface water sewer layout, etc.).
  - b) Surface water should be suitably attenuated, with this attenuation designed for a minimum of a 1-in-30 year return period event + climate change allowance.
  - c) Further to the attenuation provided, surface water to be discharged to a watercourse shall be controlled to achieve limited discharge relative to the pre-development greenfield run-off rate.
  - d) It should be confirmed that surface water will not enter buildings based on a 1-in-200 year return period event + climate change allowance. This should be supported by appropriate drawings

presenting ground levels and flow paths, as well as demonstrating how the 1-in-200 year return period event + climate change allowance flow will be conveyed to the detention basin area.

- e) The surface water drainage system[s] shall be provided in accordance with the approved details and be permanently retained thereafter in accordance with the approved scheme.

**Reason:** In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

- 22 No works in connection with the development hereby approved shall commence unless a plan/map showing all watercourses in their current condition (i.e. the shape of the watercourse at present – is it a canalised trench or natural bed and bank type?), in the context of the landscape and the siting of any proposed activity within or adjacent to the watercourse, have been submitted to and approved in writing to by the Planning Authority. For the avoidance of doubt, all crossings shall be formed by single span bridges. The development shall be carried out in complete accordance with the approved details.

**Reason:** To ensure that all proposed crossings will not impact on bed or bank of watercourses on site.

- 23 No works in connection with the development hereby approved shall commence until an assessment of potential environmental enhancement measures, including a map showing locations, have been submitted to and approved in writing by the Planning Authority. As part of the details of this assessment, and to ensure this development is an exemplary development, the following is required:

- a) All SUDS features are to be biodiversity and ecologically enhancing (which excludes the use of storm cells on this rural non-constrained site).
- b) All straightened watercourses should be re-naturalised.

**Reason:** In accordance with Aberdeenshire Local Development Plan Policy P1 and P2 and to ensure a high standard of place making.

- 24 No dwellinghouse hereby approved shall be occupied unless its access, driveway, parking and turning area has been provided and fully paved in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the back of the footway/ carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. Any access or driveway shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access, driveway and parking area shall thereafter be permanently retained as such.

**Reason:** To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

- 25 No dwellinghouse hereby approved shall be occupied unless a Residential Travel Pack has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeenshire Council Roads Development Team. All new homes shall be provided with the Travel Pack at the time of first occupation.

**Reason:** To promote the use of sustainable travel to all new residents.

- 26 Prior to completion of the internal loop road in Chapter 1A, an updated Public Transport Strategy shall be submitted to and approved in writing by the Planning Authority in consultation with Aberdeenshire Council Roads Development Team. The Strategy should detail which bus services will be diverted through the site as confirmed with a service provider, and the location and design of internal bus halts. The Strategy should be agreed in consultation with Aberdeenshire Council's Public Transport Unit and Roads Development Team and implemented prior to any further development beyond Phase 1B.

**Reason:** To deliver an acceptable level of public transport provision for future phases of development.

- 27 No works in connection with the development hereby approved shall commence until full details of new northbound and southbound bus lay-bys to be provided on the B977 in the vicinity of 'The Firs' property, with a direct footway link built to adoptable standard connecting to the internal Primary Road, have been submitted to and approved in writing to by the Planning Authority. The bus halts shall be designed and agreed in consultation with Aberdeenshire Council Public Transport Unit and Roads Development Team and implemented prior to occupation of the first dwellinghouse.

**Reason:** In order to ensure access to public transport services for residents at an agreed maximum walking distance of 650m, as referred to in Paragraph 4.5.5 of the Transport Assessment (Issue 4, 15/02/19).

### **Reason for Decision**

- 10.1 The proposal is considered to comply in principle with the identified OP3 site allocation identified within the Aberdeenshire Local Development Plan 2017 settlement statement for Balmedie. The proposal continues to provide significant social and economic benefits to the locality and wider region, even when taking account of amendments made to the previous scheme envisaged for this site, to reflect the current local economic climate. Furthermore, the proposal and mitigation measures set out and contained therein are

considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017.

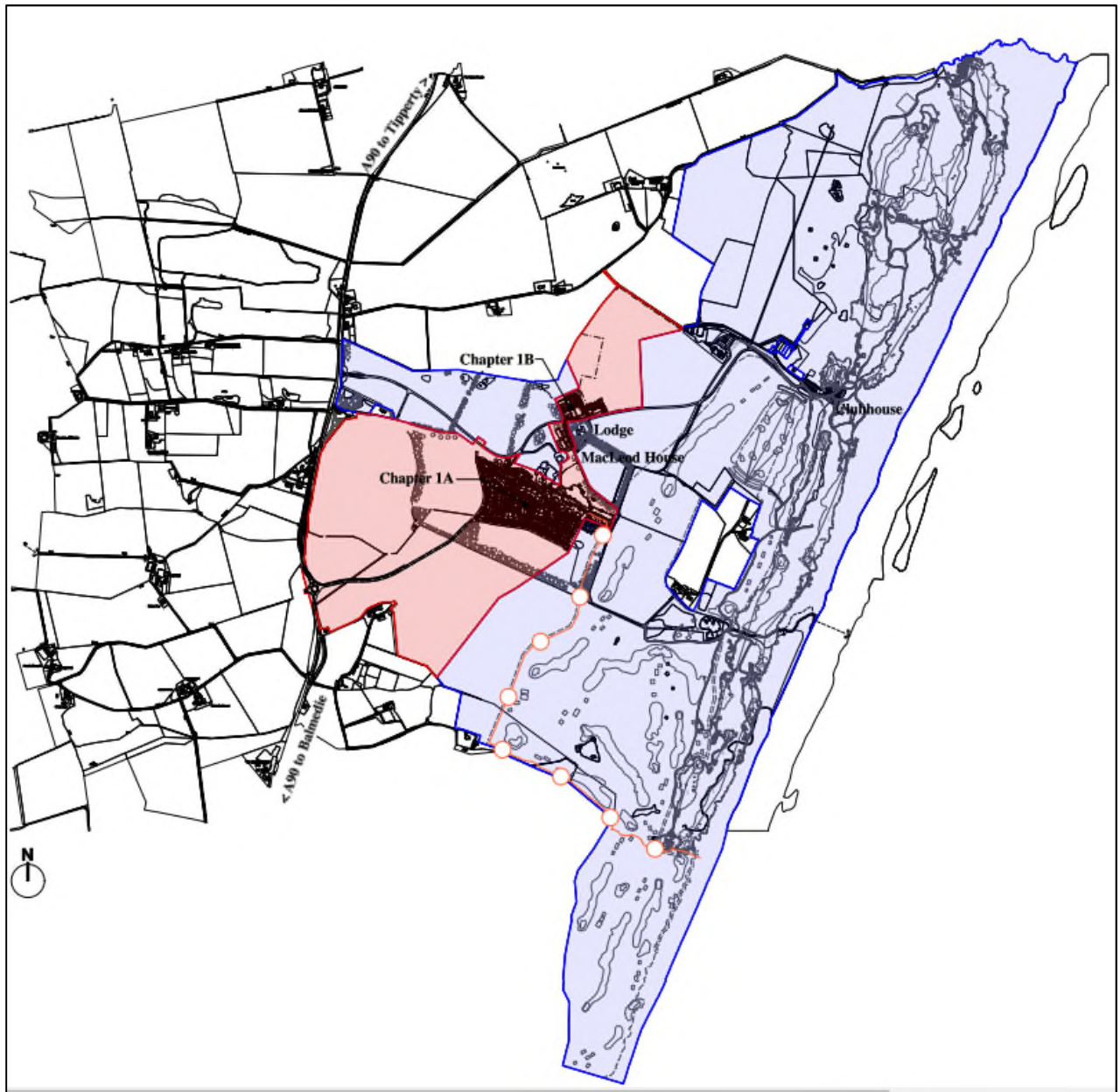
**Stephen Archer**  
**Director of Infrastructure Services**  
Author of Report: Gregor Spence  
Report Date: 12 September 2019





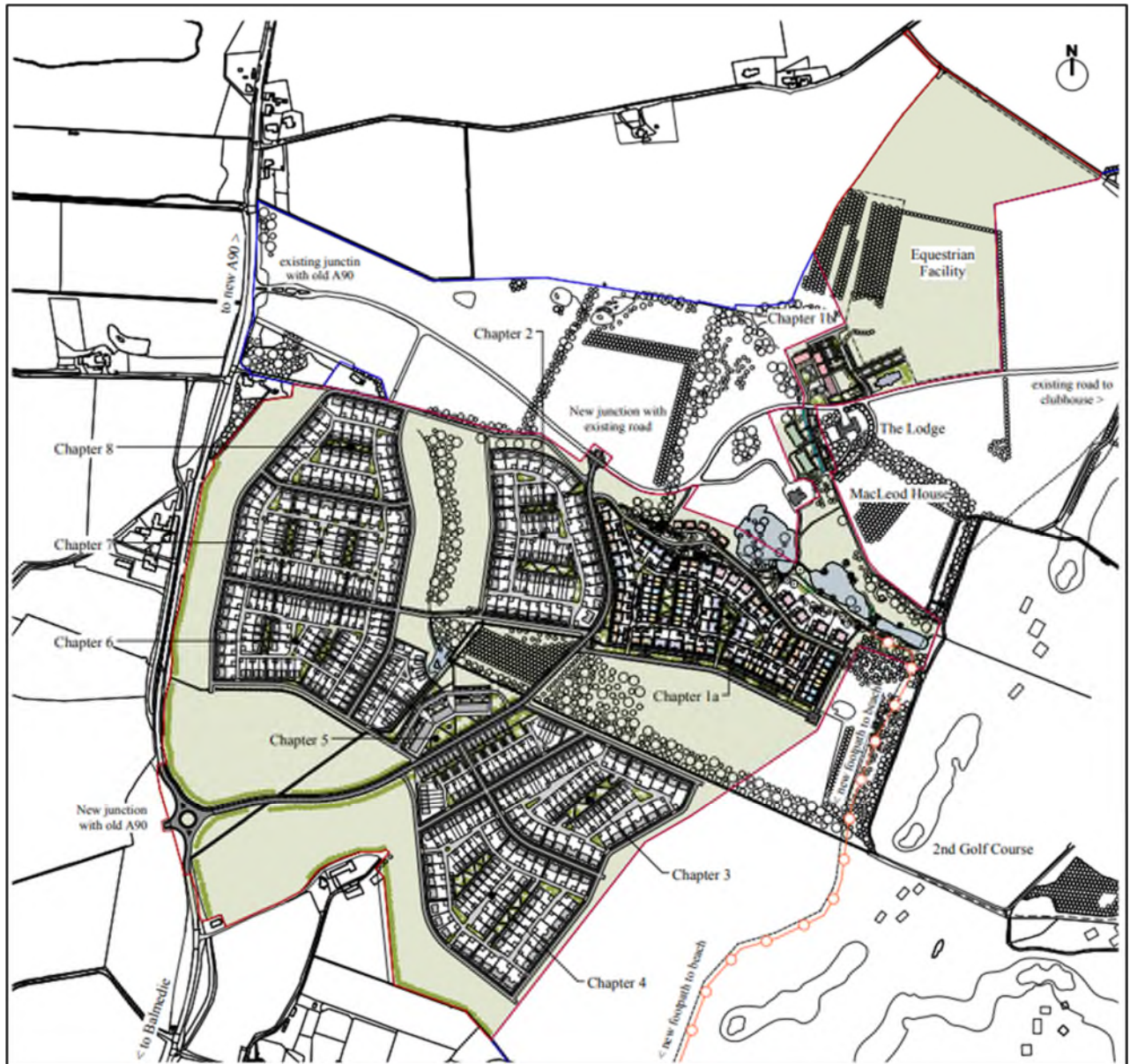
APP/2018/1814  
Plan

Appendix 1: Location



APP/2018/1814  
Plan

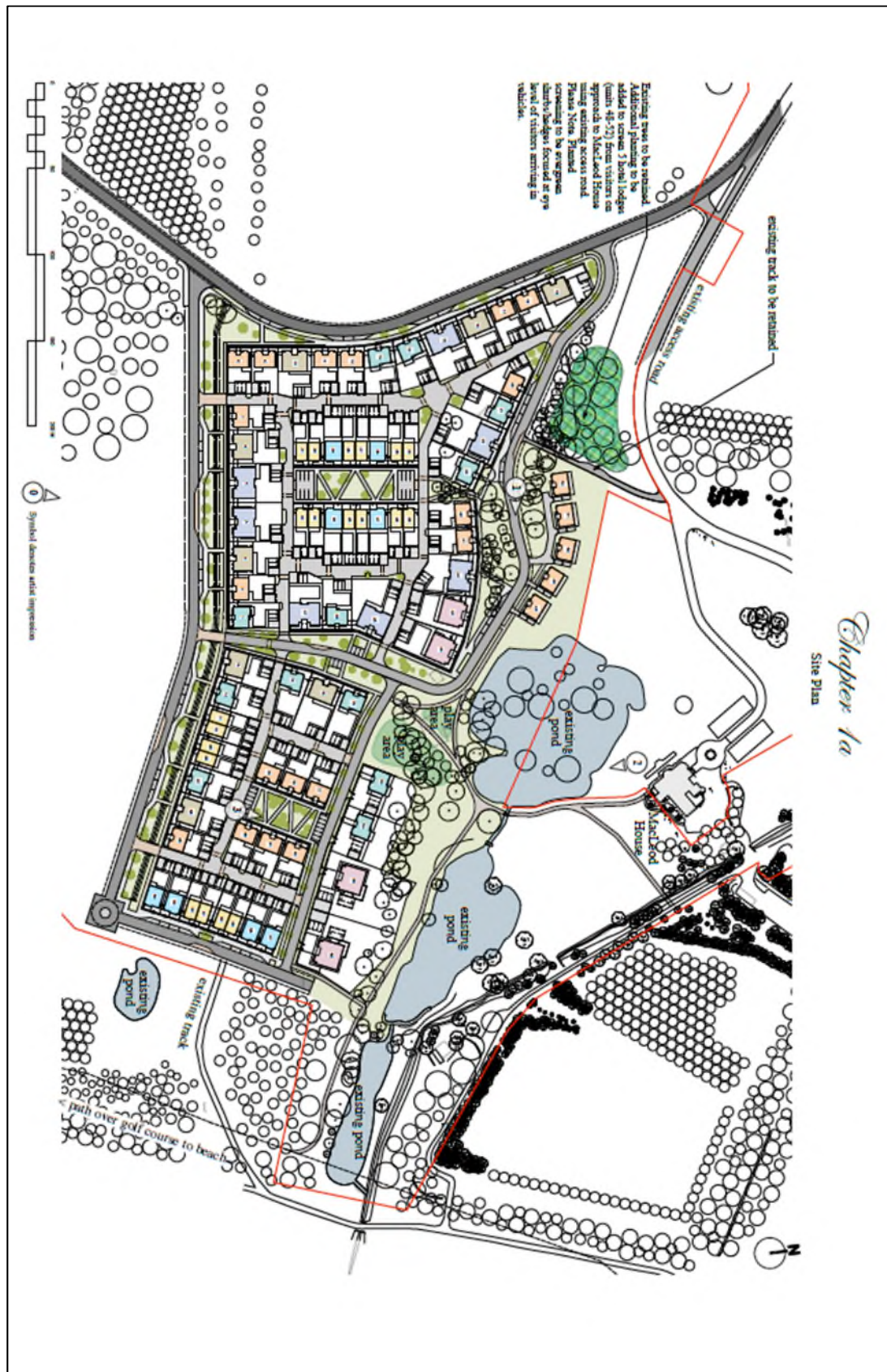
Appendix 2: PPiP Site





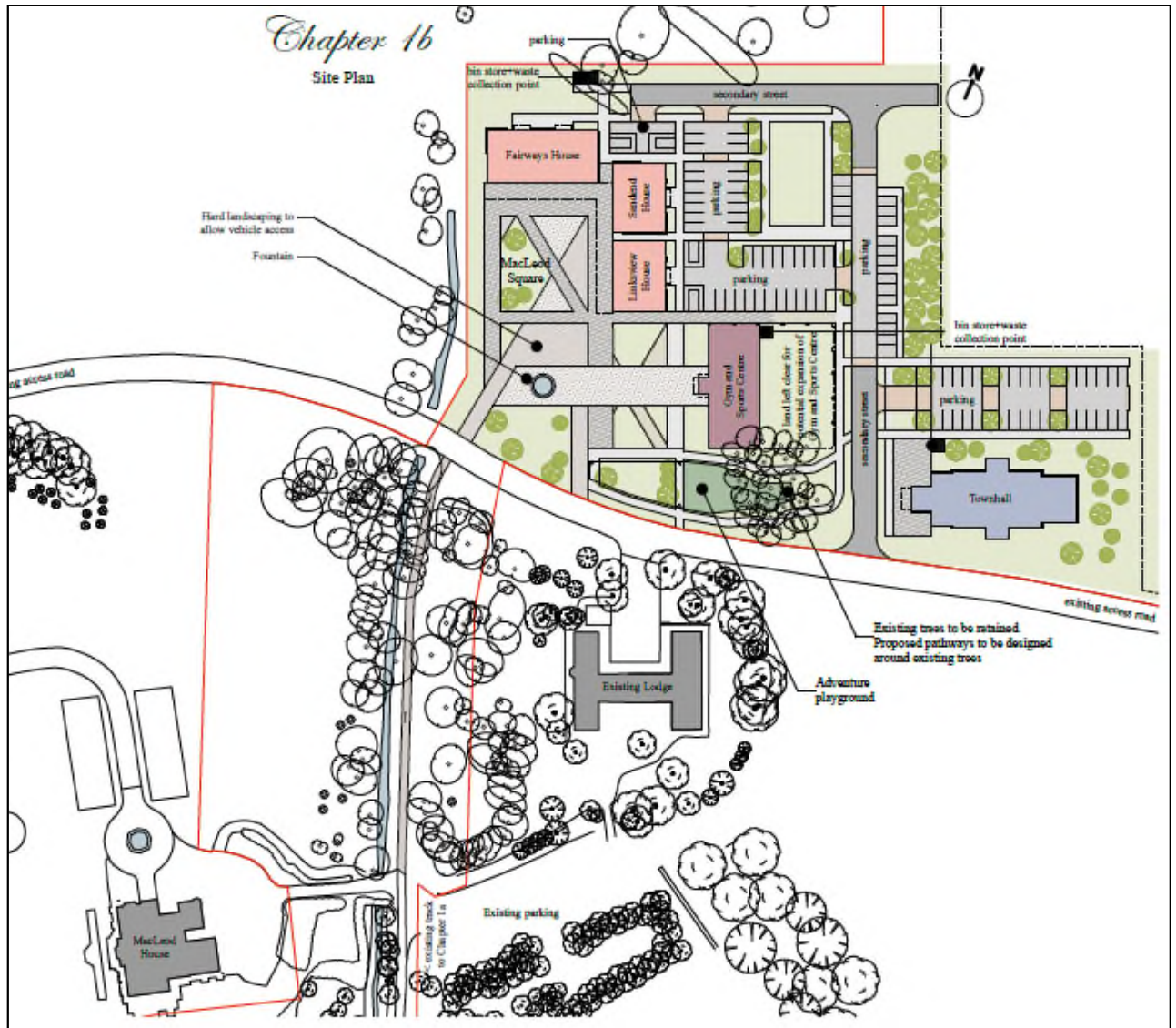
APP/2018/1814

Appendix 3: Chapter 1A Site Plan



APP/2018/1814

Appendix 3: Chapter 1B Site Plan





## APPENDIX 4



### Formartine Area Committee Report –03 September 2019

Reference No: APP/2018/1814

Planning Permission in Principle for Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie, Aberdeenshire, AB23 8YE

**Applicant:**  
**Agent:**

**Trump International Golf Links Ltd**  
**CMS Cameron McKenna**

Grid Ref:	E:397511 N:820443
Ward No. and Name:	Mid-Formartine
Application Type:	Planning Permission in Principle
Representations:	2921
Consultations:	24
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	AHMA
Complies with Development Plans:	No



**NOT TO SCALE**

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#### 1. Reason for Report

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- 1.1 The Formartine Area Committee was asked to give their view on this application, prior to consideration by Full Council, at their meeting on 26<sup>th</sup> March 2019. Following this meeting, the Agent submitted a significant amount of new information, seeking to address the outstanding delegated matters highlighted in the Formartine Area Committee Report and to provide further information sought by Members of the Formartine Area Committee.
- 1.2 The Director of Infrastructure Services considers that the new information received may further inform the view of the Formartine Area Committee and is asking the Committee to further consider the application with the further information provided and assessed since 26<sup>th</sup> March 2019 so that the Area Committee can provide a properly informed and evidenced view for consideration at Full Council.
- 1.3 This report was previously considered by the Committee at their meeting on 26<sup>th</sup> March 2019. In order to reconsider the application, following the submission of further information provided by the applicant, the Committee requires to suspend Standing Order 7.2 of the Standing Orders which forms part of the Scheme of Governance which provides that no decision of a Committee can be revisited within a period of 6 months of the original decision. In this case, the 6 month period does not expire until 25<sup>th</sup> September 2019.
- 1.4 The Committee is able to consider this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development which in the professional opinion of the Head of Planning and Building Standards is a significant departure from the Development Plan and which therefore will be determined by Full Council following consultation with the relevant Area Committee.
- 1.5 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and had no comments to make and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 Planning Permission in Principle is sought for the erection of 550 dwellinghouses (up to 500 residential units and a minimum of 50 leisure/resort units), community facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), development falling within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), landscaping and supporting infrastructure on land at Menie Estate, Balmedie.
- 2.2 Within the Aberdeenshire Local Development Plan 2017 (LDP), the application site is located within an allocated site, known as OP3: Menie, within the Balmedie settlement statement. The vision statement for Balmedie states that the settlement will play an important role in delivering strategic housing and employment allowances. In line with the vision of Energetica, it is expected that

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new development in Balmedie will contribute to transforming the area into a high-quality lifestyle, leisure and global business location. The OP3 site is allocated for:

- *two 18-hole golf courses (a championship links course and a second course); a golf clubhouse, golf academy and ancillary buildings; a driving range and short game practice area; a resort hotel (450 rooms) with conference centre and spa; 36 'golf villas'; accommodation for 400 staff (all of the foregoing comprising 'phase 1'); 950 holiday apartments in four blocks; up to 500 houses and community facilities.*

- 2.3 Site OP3 is a new allocation in the 2017 LDP in recognition of the Outline Planning Permission for a substantial mixed-use development. The Reporter recommended a heavily amended development brief for the allocation to ensure the principles and requirements of the conditions and Section 75 were embedded in the plan. Aberdeenshire Council endorsed this position in April 2017 when the plan was adopted.
- 2.4 The site is located within the Aberdeen Housing Market Area approximately 1.6km north of the Balmedie settlement boundary to the east of the A90 and measures approximately 84 hectares in area. The land has been in long term agricultural use with woodland areas, as well as the existing hotel accommodation at MacLeod House and Lodge. The topographical survey of the site highlights that the site slopes generally from northwest to southeast, falling approximately 34.5m AOD to 12.5m above ordnance datum (AOD) over the length of the estate. **Appendix 1** contains the Location Plan.
- 2.5 Although this is a Planning Permission in Principle (PPiP) application with 8 Chapters (phases), the developer has submitted full detailed drawings and assessment reports for Chapters 1A and 1B to allow for a full assessment of these elements alone. This means that the application can be considered as a "hybrid", with a large portion of the site subject to Planning Permission in Principle considerations and the remainder being subject to a more in depth, detailed assessment (similar to an application for Full Planning Permission). Any permission granted would be reflective of the level of detail submitted in terms of further stages, matters specified in conditions and requisite approval required. **Appendix 2** contains the PPiP Site Plan.
- 2.6 Chapter 1A consists of 82 dwellings with a mix of townhouses, detached cottages, detached country houses and larger detached villas. The accommodation mix includes 23 x 2 beds, 28 x 3 beds, 27 x 4 beds and 4 x 5 beds. It should be noted that 5 of the 2 bed houses are to be used by the hotel as lodges. On the site plan these properties are identified with an "L". A breakdown of the house types is shown in the table below. **Appendix 3** contains Chapter 1A Site Plan.

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Housetype	Size	Total (85)
The Blairton (2 bed cottage)	88sqm	23*
The Formartine (3 bed cottage)	132sqm	8
The Ythan (3 bed townhouse)	124sqm	20
The Gordon (4 bed cottage)	181sqm	7
The Forvie (4 bed country house)	172sqm	12
The Leighton (4 bed townhouse)	165sqm	8
The Balmoral (5 bed villa)	401sqm	4

\*5 of the 23 x 2 bed cottages to be used by hotel as lodges.

- 2.7 Chapter 1B consists of 34 Hotel Suites/Bedrooms, 6 retail units, gym & fitness centre and a town hall alongside parking and open space. The gross floorspace proposed includes; 626.6sqm Retail, 400.2sqm Gym and 525.7sqm Town Hall. **Appendix 4** contains Chapter 1B Site Plan.
- 2.8 The materials palette across Chapters 1A and B comprises wet harl with a mix of colours (country stone grey, limestone white and antique white), natural slate, dressed natural stone, random rubble natural stone, timber cladding and blue painted joinery. No details or materials have been submitted for Chapters 2-8.
- 2.9 The site is currently accessed directly from the old A90 to the northwest of the site and provides access to the Championship Golf Course. A new access point is proposed to the southwest of the site and would provide direct access to the A90. This would be the primary route into the site. The proposals would connect to the public water supply network as well as the public drainage network. Surface water drainage would be dealt with by various means such as permeable paving, swale, detention basin and a filter trench.
- 2.10 Pre-application discussions have taken place on the current proposals, with a major application meeting held in May 2018 where relevant consultees attended to give advice/comments. Various Planning Processing Agreements have been sent to the agent to highlight information requirements and key milestones, however to date, these have not been signed nor returned.
- 2.11 There is extensive planning history for the Estate. The most relevant applications include;
- **APP/2006/4605** – Outline Planning Permission (OPP) for a Golf Course and Resort Development. Granted by the Scottish Ministers on 16 December 2008.
  - **APP/2010/0423** – Approval of Matters Specified in Conditions (MSC) for Outline Planning Permission (Ref: APP/2006/4605) Including (1) Masterplan and (2) Championship Golf Course Detail Including Driving Range, Short Game Area, Putting Green and Turf Nursery. Granted on 24 June 2010.



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- **APP/2010/1535** – Full Planning Permission (FPP) for the Construction of Championship Golf Course including Driving Range, Short Game Area, Putting Green & Turf Nursery. Approved on 30 June 2010.
- **APP/2012/3123** – FPP for the Change of Use from Lodge to form part of the Golf Course & Resort Development including Accommodation for Guests and Tourists. Approved on 10 January 2013.
- **APP/2012/3126** – FPP for the Change of Use of Macleod House to a use that forms part of the Golf Course Resort Development. Approved on 18 February 2013.
- **APP/2014/2972** – FPP for the Erection of a Clubhouse. Approved on 21 October 2014.
- **APP/2015/0873** FPP for the Extension to Provide Banqueting Accommodation and 6 No. Additional Hotel Rooms with Ancillary Leisure and Operational Facilities. Approved on 15 July 2016.
- **APP/2015/2823** – FPP for the Construction of 18 Hole Golf Course and Ancillary Facilities. Currently under assessment.
- **APP/2017/0533** – Modification of Planning Obligation No.7 of Section 75 Agreement (APP/2006/4605 and APP/2010/0423). Currently under assessment.
- **ENQ/2015/0526** – Proposal of Application Notice (POAN) for Planning Permission in Principle for the Erection of 850 No. Residential Units, 1900 No. Leisure Accommodation Units with Ancillary Commercial Development. A public consultation event took place in line with Legislation on 5 May 2015. POAN agreed on 13 April 2015.
- **ENQ/2018/0706** – Environmental Impact Assessment (EIA) Screening for Residential Development. Having evaluated the potential significance of the likely environmental effects, it was considered that the proposed development, by virtue of its characteristics, location and characteristics of the potential impact, was not likely to have a significant environmental effect to the extent that expert and detailed study through EIA is needed to properly assess any effect. It was therefore the opinion of Aberdeenshire Council as Planning Authority that the proposed development did not constitute ‘EIA development’ under the terms of the EIA regulations. EIA Screening response sent on 15 May 2018.
- **ENQ/2018/0769** – Pre-Major Application Enquiry Development Comprising up to 550 Dwellings (up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities, Development Falling within Class 1 (Shops), Class 2 (Financial, Professional and Other Services) and Class 3 (Food and Drink), Landscaping and Supporting Infrastructure. Major meeting with consultees took place on 17 May 2018. A minute was taken and provided to the agent.

**Appendix 5** contains a full list of all planning applications submitted within Menie Estate related to the resort development.

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### 2.12 Information that has been submitted in support of the application includes:

- Tree Survey Report + Drawings, submitted 25 July 2018, amended document submitted 11 September 2018. Further amended Tree Survey Report for Chapters 1A and B submitted 11 February 2019.
- Non-Housing Development - New Floorspace Proposed Table, submitted 25 July 2018.
- Archaeological Desk-Based Assessment submitted 25 July 2018.
- Construction Environment Management Plan submitted 25 July 2018.
- Construction Traffic Management Plan submitted 25 July 2018.
- Design Statement submitted 25 July 2018.
- Drainage Assessment, submitted 25 July 2018, amended document submitted 11 December 2018. Further amended document submitted on 25 January 2019.
- Draft Heads of Terms submitted 25 July 2018.
- Pre-Application Consultation (PAC) Report, submitted 25 July 2018.
- Planning Statement submitted 25 July 2018.
- Ecological Impact Assessment submitted 7 August 2018.
- Landscape and Visual Impact Assessment submitted 7 August 2018; Figures submitted 23 November 2018.
- Flood Risk Assessment (Scoping Study), submitted 28 August 2018.
- Transport Assessment, submitted 28 August 2018, amended document submitted on 30 January 2019. Further amended Transport Assessment submitted on 18 February 2019.
- Economic Impact Assessment of Phase Two, submitted 11 September 2018.
- Response to SEPA Comments, submitted 30 January 2019.
- Flood Risk Assessment (Detailed Study), submitted 30 January 2019.
- Bat Survey Results, Tree Survey for Roosting Bats, submitted 5 February 2019. Update on Bat Survey submitted 11 February 2019.
- Supplementary Design Statement submitted 7 February 2019.
- Outdoor Access Plan submitted 7 February 2019.
- Landscape Phasing Plan, submitted 7 February 2019.
- GWDTE (Groundwater Dependant Terrestrial Ecosystem Assessment) Report, submitted 11 February 2019.
- Landscape Mitigation Plan submitted 11 February 2019.
- Ancient Woodland Inventory Report submitted 18 February 2019.
- Street Engineering Review and Design Quality Audit submitted 18 February 2019. Updated reports submitted 8 March 2019.
- Email with approximate building out rate for the initial detailed phase, submitted 7 March 2019.
- Report to inform an Appropriate Assessment, submitted 8 March 2019.
- Update from CFA on the Impacts on the listed building in light of updated masterplan, submitted 8 March 2019.

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2.13 Following the completion of the Formartine Area Committee Report considered at the meeting of 26 March 2019, further information was submitted and assessed in order to address outstanding issues identified as delegated matters:

- Further amended Tree Survey Report for Chapters 1A and 1B, submitted 15 March 2019. Further amended on 20 March 2019. Further Amendment for Chapter 1B on 7 August 2019.
- Bin store information submitted 15 March 2019. Further amended 9 April 2019.
- Arboriculture Impact Assessment for Chapters 1A and 1B, submitted 15 March 2019. Further amended 20 March 2019. Further Amendment for Chapter 1B on 7 August 2019.
- Groundwater Dependant Terrestrial Ecosystems Report submitted 22 March 2019.
- Compensatory Planting - Supplementary Note, submitted 8 April 2019.
- Design Review Panel Response submitted 9 April 2019.
- Chapter 1A Landscape Strategy, submitted 9 April 2019.
- Chapter 1A Vehicle Movement Strategy, submitted 9 April 2019.
- Chapter 1A Housing Mix Diagram, submitted 9 April 2019.
- Play Area Strategy, submitted 9 April 2019.
- Swept Path Analysis extract, submitted on 10 April 2019. Amended on 12 April 2019.
- Updated Street Engineering Review and Quality Audit submitted on 12 April 2019.
- Compensatory Planting Report submitted on 12 April 2019.
- Water Features Survey – Supplementary Note, submitted on 12 April 2019.
- Economic Impact Assessment of Phase 2 submitted on 12 April 2019.
- Environmental Mitigation and Management Plans submitted on 12 April 2019.
- Supplementary Note on North East Economy and Tourism submitted on 12 April 2019.
- Updated Flood Risk Assessment submitted on 10 May 2019.
- Outdoor Access Management Plan submitted 6 June 2019.

2.14 A number of amendments have been made to the original proposals. These include the removal of the 2 x 8 suite lodge accommodation to the north of MacLeod House and the replacement of 27 workers' studios and office accommodation within Fairways House/Sandend House/Linksvie House with 34 Hotel Suites/Bedrooms. This has also resulted in minor external changes to the external elevations. An amended Site Plan for Chapter 1B was initially submitted showing indicative bin store/waste collection points. A further amendment to Chapter 1B has been received following the 26 March Formartine Area Committee, which includes the repositioning of the proposed Gym and Sports Hall in response to the submitted Flood Risk Assessment for this area. The changes made are considered to be minor in terms of the wider context of the development and no re-advertisement or further neighbour notification procedures have been required.

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- 2.15 Further amendments have also been submitted for Chapter 1A. These include the removal of 3 dwellinghouses in order to reduce the number of trees to be removed from the northern part of the site. This has also resulted in minor internal road layout changes. It is the considered opinion of the Planning Service at the time of writing this report, based on the information that has been provided to date that no additional renotification or publicity is required in respect of these alterations.
- 2.16 In line with the terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1b of Part 2C Planning Delegations of Aberdeenshire Council's Scheme of Governance and under Section 38A of The Town and Country Planning (Scotland) Act 1997 (as amended) and Regulation 27 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended), a mandatory Pre-Determination Hearing was held on 12 December 2018 by a Committee of the Authority. **Appendix 6** contains the note of the Hearing. [Link to Formartine Area Committee Agenda Documents for PDH](#)  
At the Hearing, a number of questions were raised by Councillors. Where possible, information pertaining to those questions have been incorporated in this report.

### 3. Representations

- 3.1 A total of 2921 valid representations (2918 in objection, of which 1 letter contained a petition with 18,722 names and 3 in support) from different households have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 3004 letters in total. All valid representations can be viewed on the Aberdeenshire Council Website. All issues raised have been considered. The letters raise the following material issues:

#### **Objections**

- *New plans do not match the Local Development Plan.*
- *Phasing not in line with original conditions or local Plan.*
- *Application appears to include no social or affordable housing contrary to policy.*
- *Proposed homes would not attract workers and would not be suitable for young families, elderly or disabled.*
- *Affordable housing is needed in order to live and work in rural areas.*
- *The local area will not see any economic benefit from the plans.*
- *Further significant environmental damage.*
- *Impact on ecology.*
- *Impact on wildlife.*
- *Impact on unspoiled open spaces.*
- *Significant environmental damage.*
- *Too much house building in area – over supply.*
- *Plans fail to recognise or include additional local amenities, road upgrades and infrastructure which are crucial to properly support an increase in the number of residents.*

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- *Impact on area of special scientific interest.*
- *Inappropriate location for housing scheme, far from amenities.*
- *Little to benefit the community.*
- *Price of some properties would not target those who need housing in Scotland.*
- *Any economic benefit would be short term i.e. when the houses were being constructed.*
- *Do not need any more of this level of housing provision.*
- *The status of SSSI should mean something to planning.*
- *Scheme of large house types only.*
- *Does not support housing needs.*
- *Further devastate a once beautiful unspoiled area.*
- *Development should comprise 25% affordable homes.*
- *The infrastructure required may not be put into place prior to occupations of the residences i.e. health care, education and water/sewage facilities etc.*
- *Design of housing is out of keeping with Scottish design.*
- *Design of housing is poor.*
- *Damaging to Scotland's coastline and wildlife.*
- *Detrimental in social and cultural terms.*
- *Only a fraction of the employment envisaged has materialised.*
- *No visible beneficial of financial contributions into the local community.*
- *Impact on landscape and scenery.*
- *No viable argument in support of the generation of any economic benefit from the new plans.*
- *Impacts on accessing water and amenities.*
- *Affordable housing stock like council housing stock is in deficit of provision these days.*
- *Set a precedent for sporadic development which is contrary to the development plan.*
- *Damage to environment and landscape.*
- *Jobs have not materialised.*
- *The economic benefit has not materialised.*
- *Fails to comply with planning polices (sic) to protect the countryside and biodiversity.*
- *The environmentally sensitive area is more important that (sic) human centred economic considerations.*
- *'Green infrastructure' should be included.*
- *Offsetting affordable housing to a site in Balmedie is contrary to the spirit of the legislation.*
- *Access through the proposed estate may be problematic and may contravene the Land Reform (Scotland) Act 2003.*
- *The development will not create the number of jobs promised.*
- *Impact on privacy and amenity of current residents.*
- *Impact on low lying expansive appearance of the area.*
- *Impact on built heritage/listed building.*

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- *Previous planning history.*
- *Noise, odour and disturbance.*
- *Traffic and parking in that safe access to the site is no (sic) adequate for the scale of the development.*
- *Impact on natural environment.*
- *Design, layout and materials would clash with the vernacular architecture of the area.*
- *Design shows no linkage to local architectural vernacular.*
- *Transport Assessment is inadequate in that it fails to plan for the larger resort development or major events.*
- *Heavy traffic on country roads.*
- *Increase in traffic.*
- *Traffic was never meant to go through Balmedie.*
- *Impractical to walk to Balmedie.*
- *Lack of safe walking and cycling routes.*
- *Air pollution due to heavy vehicle exhausts.*
- *Impact on local shopping, hotel and holiday businesses.*
- *Destruction of Wildlife habitats.*
- *Out of character in this coastal area.*
- *Out of scale with the surroundings.*
- *Local school at capacity.*
- *Lack of doctor's facilities in area.*
- *Seeks to renew the agreed package of required infrastructure development.*
- *Chapters lack in coherence and detail.*
- *Should be referred to a Design Review Panel.*
- *Damage to Ancient woodland.*
- *Too few footpaths.*
- *Impact of the visual landscape.*
- *Missing internal road networks on plans to existing properties within and around the estate.*

### **Support**

- *Whilst the plans may be different from the 2008 permission, they really match what this local area needs now.*
- *Social or affordable housing would be better suited in another area of Balmedie or within Newburgh coastal corridor.*
- *Property owners would spend their money in the local economy.*
- *Will be a great deal of economic benefit from these plans.*
- *Uplift in economy.*
- *Economic development and tourism will not be damaged, but a first-class facility will bring benefits to other golf facilities along the North East coast.*
- *No further significant environmental damage.*
- *Need to develop tourism and visitors to spend in the area.*
- *Will bring more jobs, employment opportunities and visitors to the area.*

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- *Provision of facilities for locals to use.*
- *Will conserve the area's natural beauty and wildlife, if not enhancing it.*
- *Need to consider the future economic uncertainty of the area/region as we have relied on oil and gas.*
- *This proposal would seek the long-term viability of the wider development.*
- *Supportive of the local authority seeking contributions to local affordable housing.*
- *Incoming investment can only be good for the local community.*
- *The proposals will enhance the existing facilities on site.*
- *Provision of new housing for the area.*
- *Scale and quality of the proposals appropriate for the growing leisure resort.*
- *Good road infrastructure with the AWPR.*
- *New road layout would not cause issues with added traffic.*
- *The luxury hotel lodges will attract more golfers to the North East.*
- *Tourism is a lifeline for future generations.*
- *The location is loss making in its current form and further on-site development is required to achieve the economies of the scale that will stabilise its financial position.*

- 3.2 A number of representations (both objection and support) were received after the closing period for submitting comments. Whilst these have not been included in the above numbers, all valid material issues have been considered and listed above.

## 4. Consultations

### Internal

- 4.1 **Business Services (Developer Obligations)** has advised that a Developer Obligations Assessment Report has been sent to the applicant. It has now confirmed that Developer Obligation have been agreed for the following;

- Affordable Housing - Financial contribution towards the delivery of affordable housing within the catchment area of Ellon Academy.
- Primary Education - Contributions towards the provision of a new primary school within the Balmedie area.
- Community Facilities - On-site delivery of a community hall with a fall-back position of a financial contribution towards local facilities.
- Sport and Recreation - On-site delivery of sports pitch provision with a fall-back position of a financial contribution towards local facilities.
- Healthcare - Contributions towards the new health centre in Ellon.
- Waste and Recycling - Contributions towards a Household Waste and Recycling Centre in Balmedie.

- 4.2 **Education & Children's Services (Education)** do not object to this application. Contributions will be required towards primary school provision. Depending on build out rate, there may be an impact on secondary school capacity. The

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masterplan site crosses school catchment boundaries between Foveran and Balmedie. This will have implications for primary and secondary school provision.

The developer was asked to provide, if possible, likely built out rates for the development. This has now been received. Should development start on site later this year, it would be an approximate 2 year build out for the initial detailed phase.

Education has confirmed that there should be no impact on Secondary School Provision.

- 4.3 **Infrastructure Services (Archaeology)** has advised that the application affects the archaeology site NJ92SE0119, an area of cropmarks likely indicating prehistoric settlement activity and lies within the archaeology site NJ92SE0086, the 17th – 19th Century designed landscape of Menie House. There is the potential for previously unrecorded archaeology to survive in the development area and as such request a condition for a programme of archaeological works is attached to any approval.

Archaeology also advocate that the extant areas of mature trees and field boundaries, that act as the physical remains of the Menie House designed landscape (SMR site NJ92SE0086) are retained where possible and incorporated into the design in order to retain the character and presence of the historic landscape. In addition, several informatives are requested.

- 4.4 **Infrastructure Services (Economic Development)** has no specific objection to the approval of this application. The proposal is considered to fit well with the Regional Economic Strategy which aims to diversify the economy from being reliant on oil and gas. The proposal will also help mitigate other weaknesses in the regional economy, such as the lack of affordable housing. Notwithstanding this the consultee considers the phasing of the previous planning application, which is a material consideration, to be more acceptable in that the residential accommodation, in that earlier application, came after the provision of the holiday accommodation.

Following the request of the Formartine Area Committee at its meeting of 26 March 2019, for further economic justification, the Agent has submitted two separate documents in support of the proposal. These address the current condition of the North East economy and an assessment of the economic impact of the second phase of development proposed.

On review of this information, Infrastructure Services (Economic Development) has provided further comment on the information submitted. It is highlighted that the key factor resulting in the requirement to amend the original masterplan for development is the economic downturn in the North East economy since 2008. It is accepted that the economic downturn has badly impacted the North East economy and that the tourism offer at Menie has generally bucked the trend and has been good for the area.



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It is considered that although there has been a drop off in business tourism to the area, the outlook for recreational tourism is optimistic. The report outlines that subsequent phases of the masterplan will be shaped by the market response to phase 2 and that a flexible approach to the accommodation delivered will be required. Economic Development highlight that although the submitted report suggests that the 200 bed spaces and 50 leisure units to be provided in phase 2 of the development represents a significant proportion of the capacity of the previously proposed 450 bed hotel, it is not clear how much of the previously consented masterplan will be delivered following phase 2.

- 4.5 **Infrastructure Services (Environment – Built Heritage)** had provided updated comments following the submission of amended plans removing the proposed 2 blocks of lodges adjacent to MacLeod House.

The Chapter 1A site plan intimates that a number of the proposed residential units to the south of the listed building would be readily visible when travelling east along the principal driveway. This development would potentially impact on the historic setting of the historic property and be at odds with Policy HE1 of the 2017 Aberdeenshire Local Development Plan. The Environment Team therefore advised the applicant to either revisit the location of the properties sited on the northern boundary of the development or to introduce strategic planting to screen them from the driveway when traveling east towards Menie House.

Subsequently, updated proposals for enhanced planting on the south side of the driveway have been submitted by the applicant. The proposed additional planting is welcomed however it is still advised that additional planting along the north west of the track would be preferential to ensure that the new dwellinghouses (primarily units 48 to 52) will not be visible when travelling east along the principle access to Menie House.

- 4.6 **Infrastructure Services (Environment – Natural Heritage)** has provided updated comments following the submission of additional information.

### Designated Sites

Having looked at the additional information that was submitted in the Report to Inform Appropriate Assessment it is noted that SNH have advised that this proposal is likely to have a significant effect on pink footed geese of the Ythan Estuary, Sands of Forvie and Meikle Loch SPA. Consequently, Aberdeenshire Council, as competent authority is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. However, SNH have also advised that, in their view, the proposal will not adversely affect the integrity of the site.

### Habitats

A biodiversity assessment of the woodland habitats has been carried out and

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concludes that they are all of lower diversity due to extensive non-native conifer planting, young aged broad-leaved planting and the dominance of beech and sycamore in the older stands. The report recommends that a Woodland Biodiversity Action Plan should be written, prior to commencing development, which would aim to increase the net biodiversity of the woodland and offset the adverse effects of woodland loss.

The value of the network under threat must be carefully considered before development is permitted and mitigation measures accepted. While the woodland areas may be considered to be of lower diversity due to past management, they are still a habitat of value and a significant proportion of the woodland within Chapter 1A, in particular, will be lost.

### Protected Species and Biodiversity

The Bat Survey concludes that further surveys will be required in the spring/summer. As further survey work is required, the Planning Service are not yet in a position to be satisfied that the proposal would not have an adverse impact on a European Species.

Further pre-construction and repeat survey during construction will be required for Otters and Badgers. The identified commitment to the production of site biodiversity and woodland management plans as detailed in the Mitigation and Management Plans Supplementary Note, which will benefit the site in the long term provided they are implemented is welcomed. However, this will not replace the need for protected species and ecological surveys to be carried out to inform the development of subsequent chapters included in the PPP element of this application.

An updated Lichen survey will be required to be completed prior to any tree felling, and to include all trees being removed for development.

Mitigation measures proposed within the Ecological Impact Assessment (EclA) covering species mitigation as well as more general measures to protect and enhance biodiversity will require to be implemented.

A Woodland Biodiversity Action Plan will be required.

### Trees/Woodland

If it is the Council's view that the woodland loss is justified in terms of the public benefits arising from the development, then the proposed compensatory planting information recently submitted goes some way to compensate for the woodland loss and has the potential to increase biodiversity in the long term. Should this application be approved, conditions will be required covering;

- Provision of agreed compensatory planting scheme;
- Fully detailed tree protection measures;
- Details of no dig construction to be used for construction of paths with Root Protection Areas;

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### Access/Right of Way

The revised Access Plan includes more proposals for promoted paths, creating a network of paths around and between the various phases (chapters) of the housing development, as well as to and across the golf courses. When added to the hierarchy of footpaths within the built environment, this provides much better public access than originally proposed.

Rights of responsible access will, however, apply more widely than solely to the promoted paths - contrary to the implication within s7 of the written access plan. On that basis, while it is noted that the golf course maintenance paths will not be identified and advertised for access rights, access rights (exercised responsibly) still apply to these. With up to 500 houses being proposed, plus a minimum of 50 leisure/resort units, it is anticipated that rather more use of all tracks and paths in this area will be made than appears to be accepted by the developer.

The development and implementation of a signage strategy has previously been discussed and it has been agreed that this could be subject of a condition - should this application and that for the proposed MacLeod golf course (second golf course) be approved.

The applicant's continued reluctance to accept wider access rights, with a reliance on promoted paths for access provision, is disappointing. Nonetheless this version of the access plan is a considerable improvement on the originals, both for this application and for the second golf course. If, in practice, the exercise of access rights is not accepted once these developments are complete, ongoing issues are likely over public access in this area, with consequent engagement with the Local Authority in exercising their access functions.

- 4.7 **Infrastructure Services (Environmental Health)** has no objection to the approval of this application. A Dust Management Plan is in place as well as a written management plan to control noise including time of operation. It is advised that the proposed development should be conditioned to be connected to the public water supply as indicated in the submitted application.
- 4.8 **Infrastructure Services (Flood Risk and Coast Protection)** highlights that further to the earlier, qualitative Flood Risk Assessment (FRA) undertaken for the wider application site, this Service is now satisfied with the revisions presented within the more detailed quantitative (incl. modelling, etc.) FRA submitted for Phase 1A and Phase 1B.

With regard to Phase 1A, the latest FRA report provides the additional detail requested in the previous consultation response, and this Service has no further comments on Phase 1A.

With regard to Phase 1B, it was previously requested that further information / analysis was required due to the potential for out-of-channel flows affecting this phase. Based on the revised FRA and Phase 1B site layout amendments now

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proposed, and further to dialogue with SEPA, this Service is satisfied with Phase 1B subject to appropriate conditions being attached, should the Planning Authority be of a mind to approve this current application. The removal of the previous objection to Phase 1B is based on appropriate Conditions being applied and implemented.

It is highlighted that Phases 1A & 1B have been considered as seeking 'full planning permission' under the current hybrid application, and as such these phases have undergone a greater amount of detailed design to date - including detailed Flood Risk Assessment.

Therefore, if the Planning Authority is of a mind to approve this current application for planning permission in principle for Phases 2 to 8, it is requested that appropriate Conditions, relating to flood risk, are attached to secure the relevant detailed information required for Phases 2 to 8.

- 4.9 **Infrastructure Services (Housing)** has provided amended comments following the amendments to Chapter 1A and supersedes previous comments received.

There is housing need in Balmedie as supported by the Aberdeenshire Council waiting list 2019 and the Housing Need and Demand Assessment 2017.

In accordance with the Affordable Housing Policy the Housing Service are seeking to secure a 25% affordable housing contribution in the form of a commuted payment.

With reference to Chapter 1A & 1B the Housing Service are looking for a commuted sum of £770,000 to be paid in instalments of £200,000 upon completion of the 20th 40th, 60th open market units with £170,000 upon completion of the 73rd open market unit.

The subsequent phases/chapters will also require a 25% contribution towards affordable housing and this will be by further financial contribution of £4,200,000. However, the consideration of onsite delivery of affordable housing units which meets local housing need will be assessed for future phases/chapters. This 25% contribution shall be delivered in accordance with an affordable housing scheme which will require to be submitted to and approved by the Council prior to the submission of any MSC or further applications for Full Planning Permission pertaining to future phases beyond phase 1A and 1B of the development. The Affordable Housing Scheme and S75 will provide that the Affordable obligations in the preceding phase/ chapter will require to have been delivered before the occupation of any of the open-market units in the subsequent phase/chapter.

- 4.10 **Infrastructure Services (Landscape Services)** has no comments regarding this application.

- 4.11 **Infrastructure Services (Planning Policy)** has commented that whilst Planning Permission in Principle already exists for a similar development, as a new application, it is important that the development proposal is compared against current planning policies whilst fully appreciating previous planning consents and

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the agreed Masterplan. It should be noted that LDP Policy P1 stresses the need to comply with previously agreed Masterplans and it would be expected that any application that differs from a Masterplan is supported by a full justification. It is noted that the settlement statement specifically indicates that Phase 1 requires to be completed before the construction of any housing, which reflects the agreed Masterplan.

- 4.12 **Infrastructure Services (Roads Development)** has commented that the holding objection from the Roads Development team has been removed following the satisfactory submission of the information previously required. This service has outlined a number of standard planning conditions required to be attached to the granting of any consent notice and has further highlighted that matters related to internal forward/cross corner visibility splays, details of footway provision, emergency access, etc. will be addressed/dealt with, during the RCC stage.
- 4.13 **Strategic Development Planning Authority (SDPA)** has no comments on this application.
- 4.14 **Infrastructure Services (Transportation)** State that in terms of transport policy, Transportation considers that the current planning application is a departure from the Local Development Plan (LDP) as it is promoting alternative development proposals that would deviate away from the originally consented scheme as specifically defined by the LDP. As a standalone application it is concluded that the current proposal cannot be reconciled with transportation planning policy due to its remoteness from local facilities and there is insufficient material evidence provided in the TA that allows key aspects of sustainable transport policy to be set aside.

The development site is unable to provide walking accessibility to local amenities, which will remain in Balmedie in the foreseeable future until an unknown time where other land uses become viable on the development site, and not for the Phase 1A and B development currently subject to a detailed application. There is no school proposed for the site, therefore trips need to be made to Foveran and Balmedie schools with no opportunity for safe walking routes to be provided. School transport is required for both eligible and non-eligible residences, either of whom requires ongoing financial support from the Council. Opportunities to improve cycling access are limited due to road safety concerns on the old A90 for less experienced users and bus accessibility for the detailed application is limited to stops located over 1km from the centroid of Phase 1A and 1.3km from Phase 1B, which is not a sufficient level of service.

Transportation do not see competent planning conditions that can overcome the accessibility issues and consider the 'economies of scale' justification for delivering internal accessibility to be vague with a high risk of non-delivery, particularly without the scale of leisure development being in place as envisaged by the LDP.

It is considered likely that the traffic impacts of the development are under-stated due to overambitious mode share targets, particularly for the first phases of the development where no accessibility by any mode other than the car is available.

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Whilst it may have been shown that the local road network can physically accommodate the additional traffic flows, this does not justify the overall lack of accessibility and high car use.

The Transportation Service therefore objects to the proposed development and recommends refusal of the planning consent.

- 4.15 **Infrastructure Services (Waste Management)** has confirmed that further information requested in relation to storage of wheeled recycling and waste bins at each residential property has been submitted and is considered to be acceptable. Further information on access for refuse vehicles including a swept path analysis to ensure sufficient space for manoeuvring the vehicles has also been submitted and following confirmation from Roads Development, this Service is now satisfied with the proposals.

### External

- 4.16 **Belhelvie Community Council** has objected to the approval of this application for the following reasons:

- The proposal is non-compliant with the relevant provisions of the Local Development Plan.
- There are no material considerations of sufficient substance to justify an exceptional approval of a non-compliant proposal as a departure from the Local Development Plan.
- This application is premature in terms of the relevant policy statement.
- This application fails to comply with the approved Masterplan, thus contravening Policy P1.
- The proposal fails to include the required grade separated junction on the new Balmedie to Tippetty dual carriageway.
- The Transport Assessment provided fails to acknowledge that the old A90 road through Balmedie was never potentially exposed to such substantially adverse traffic impacts by the provisions of the outline planning consent or Section 75 Agreement.
- The design of the individual buildings is a matter for concern and contravenes the requirement within the Energetica Corridor of achieving the highest standards of design.
- The Community Council does acknowledge the economic circumstances have changed over the past decade and would readily support the proposal only on the basis that the Planning Authority ensures that any planning consent issued is conditioned and subject to a Section 75 Agreement to secure safeguards such as:
  - the construction of the grade separated junction;
  - no construction traffic allowed to utilise the old A 90 which runs through Balmedie;
  - the applicant will prepare and submit a new and revised Masterplan for the entire development;

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- the developer to provide the primary school all as specified in the initial Section 75 Agreement entered into by the developer;
- the developer makes payments towards the provision of community facilities all as detailed in the initial Section 75 Agreement;
- the developer must enter into a design review process with the Planning Authority and Architecture and Design Scotland. The development, thereafter, shall be carried out in accordance with the approved designs;
- the developer will provide 150 affordable houses integrated within the Menie development in consultation with the Housing Authority.

Full comments can be found within **Appendix 7**.

- 4.17 **Scottish Forestry** has updated their comments following the receipt of additional information. It is highlighted that this development results in the removal of woodland for economic development, under the Scottish Government's Control of Woodland Removal Policy there is a strong presumption in favour of protecting Scotland's woodland resources and removal should only be allowed where it achieves significant and clearly defined additional public benefits, compensatory planting may form part of this balance. It is the planning authority's role to determine whether the proposal meets this test and additional public benefit is delivered through these proposals.

The applicant has reduced the area of woodland loss related to the Ancient Woodland Inventory (Long Established of Plantation Origin) area. However the development still involves some loss of this area, it is not clear what species this involves and whether there is any associated flora and fauna which would increase the value of this woodland to the point where Scottish Forestry would determine there to be a strong presumption against development in this area, or conversely, if there is a lack of biological diversity which would demonstrate that the woodland offered lower public benefit in this regard. Without this information Scottish Forestry would advise that the planning authority apply the precautionary principle and assesses the application on the basis that this development does involve the loss Ancient Woodland, that is unless the applicant can demonstrate otherwise.

With regard to the proposed compensatory planting (CP), the applicant has demonstrated that a greater area of woodland will be planted than lost (3.07 ha lost and 5.6 ha as compensatory planting).

It is confirmed that the species detailed in the CP proposal are generally suitable for the site, however the Scots pine may struggle due to the exposure and the elm has a very uncertain future due to Dutch Elm Disease, therefore it may be worth reconsidering the use of these two species and replacing them with something of equal size and biological value – perhaps an increase in oak would be appropriate.

The size of the planting areas is appropriate (minimum of 30 m depth). In addition, the number of trees used and therefore the stocking density is appropriate (14040 trees / 5.6 ha = 2507 / ha), these should be evenly spaced across the site. Likewise, the tree protection is appropriate (1.2 m tree shelters and stakes).

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There is no mention of the replacement of trees that die, this should be done until the woodland areas are fully established and at the agreed stocking density.

The length of weed control is considerably shorter than would be expected to be required to establish these trees (2 years has been specified), a term of 5 – 7 years would be more appropriate.

Should the planning authority be minded to permit this development, these specifications should form part of the conditions.

- 4.18 **Foveran Community Council** has no objections to this application.

Full comments can be found within **Appendix 8**.

- 4.19 **Historic Environment Scotland (HES)** has not made any comment on this application.

- 4.20 **National Health Service (NHS)** has advised that NHS Grampian would require Developer Obligations to contribute towards a new Health Facility within Ellon.

Following the Pre-Determination Hearing, NHS has provided additional comments.

The Menie Estate is within the agreed boundary of the Ellon Practice. Any new patients from the Menie Estate would therefore be expected to register in Ellon. The prospect of having health care facilities within Balmedie has been discussed over a number of years. Currently Balmedie is well served by existing Practice boundaries and due to availability of workforce, demographics and affordability there is no plan to establish a new practice at Balmedie.

- 4.21 **Scottish Natural Heritage (SNH)** has updated their response as a result of the submission of the requested Habitats Regulations Appraisal (HRA) in relation to the Special Protection Area for wild birds at the Ythan Estuary, Sands of Forvie and Meikle Loch.

It is highlighted that this development is part of the Menie Golf Resort Development which Scottish Ministers consented on 16 December 2008. An Appropriate Assessment for that development showed that the area was periodically important to roosting and feeding pink footed geese from the Ythan Estuary, Sands of Forvie and Meikle Loch SPA. Mitigation was identified to ensure there would not be an adverse effect on the integrity of the SPA. The current application includes the area previously found to be a pink footed goose roost/feeding area.

In the previous response to this application on 19 September 2019 it was advised that a Habitats Regulations Appraisal (HRA) should be carried out for this proposal. It was suggested that this could be based on updated information for the appraisal carried out for the golf resort development in 2008. Subsequently further advice was provided by email on 28 November 2019 on the information that should be considered in the appraisal.



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There are natural heritage interests of international importance at the nearby Ythan Estuary, Sand of Forvie and Meikle Loch Special Protection Area, Ramsar site and Special Area of Conservation (**Appendix 9** shows locations of both Ramsar Site and Special Protection Area) . It is the view of SNH, that these will not be adversely affected by the current proposal.

In accordance with their Service Statement for planning, SNH do not propose to comment on other aspects of this application.

- 4.22 **Scottish Water** has no objection to this application. There is sufficient capacity within their water treatment works to service this proposed development. However, in order to accommodate the additional demands of this development, upgrades will be required within the existing network.

The development is remote from existing Scottish Water drainage infrastructure. However, should a connection be required to the Balmedie treatment works catchment, upgrade works within the network and at the treatment works will be required to accommodate the whole development.

For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into their combined sewer system.

- 4.23 **Scottish Environment Protection Agency (SEPA)** has submitted an amended response following the receipt of further information.

SEPA have no objection to the proposed development on the grounds of protection of private water supplies as there are no PWS or groundwater abstractions within 250m buffer zone of the development.

With regard to use of carbon neutral technologies, SEPA has agreed that this can be dealt with by a planning condition and have provided wording for a condition.

Following an assessment of the updated Flood Risk Assessment (FRA), SEPA have removed their objection to this proposed development (referring mainly to Chapters 1a and 1b ) on flood risk grounds provided that a number of relevant planning conditions related to the wider PPIp site and recommendations outlined in the FRA are carried out.

SEPA have reviewed the updated Drainage Impact Assessment (DIA) and reiterate previous comments. The SUDS calculations seem to have been done adequately, and the proposals should provide adequate protection assuming the permeable paving within the curtilage of the housing is retained by the homeowner, and that other parts of the treatment trains are adequately maintained. However, clarity is sought on why storm cells are being used on the site given the apparent lack of spatial constraint and the opportunity to provide more ecologically enhancing SUDS features.

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With regards to foul drainage, SEPA welcomes the proposal to have the foul water disposed of via mains sewer via a pumping station a short distance to the north of the Coastguard Cottages.

Following a review of the 'Engineering Activities in the water environment', SEPA has noted that the site survey of existing water features has not been carried out as required. As such, they have advised that a planning condition will be required to ensure that any planning permission granted for this development ensures the use of single span bridges for all crossings. In addition to this, a planning condition has also been requested to ensure adequate environmental enhancements in the form of biodiversity and ecology enhancing SUDS features and the re-naturalisation of straightened watercourse.

- 4.24 **Transport Scotland** has advised that conditions be attached to any approval. These relate to the number of residential units and timing of construction work.

**Appendix 10** contains a table listing all Consultees and recommendations.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long-term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

In relation to Promoting Rural Development, SPP states that in the areas of intermediate accessibility and pressure for development, plans should be

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tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

With regard to Supporting Business and Employment, SPP highlights that NPF3 supports the many and varied opportunities for planning to support business and employment. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

Also, that the planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development

For Enabling Delivery of New Homes, SPP alongside NPF3 highlights that house building makes an important contribution to the economy and that the Planning System should enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

### 5.2 Aberdeen City and Shire Strategic Development Plan 2014

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

The Strategic Development Plan 2014 identified four strategic growth areas which will be the main focus for development in the area up to 2035. All four strategic growth areas should focus on creating sustainable mixed communities with the services, facilities and infrastructure necessary for the 21<sup>st</sup> century.

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The application site lies within the Aberdeen to Peterhead Strategic Growth Area. The Plan highlights that realising the economic potential of the Menie Estate Golf Resort will be important as well as delivering vital infrastructure projects in the first Plan period to encourage growth. These include building the Aberdeen Western Peripheral Route, making the A90 between Balmedie and Tippierty a dual carriageway, improving the Haudagain Roundabout and delivering a new bridge over the River Don. Until this infrastructure is in place, development in the southern part of the corridor will be limited (Apart from the Haudagain Roundabout, these infrastructure project have now been completed). The focus in the whole area needs to be on developing and diversifying the economy with a strong focus on the quality of development. It will also be necessary to make sure that new or extended secondary schools and associated primary schools are provided in this area.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy B1 Employment and business land  
Policy B3 Tourist facilities  
Policy B4 Special development areas  
Policy R1 Special rural areas  
Policy H1 Housing land  
Policy H2 Affordable housing  
Policy P1 Layout, siting and design  
Policy P2 Open space and access in new development  
Policy P6 Community infrastructure  
Policy E1 Natural heritage  
Policy E2 Landscape  
Policy HE1 Protecting historic buildings, sites and monuments  
Policy PR1 Protecting important resources  
Policy C1 Using resources in buildings  
Policy C4 Flooding  
Policy RD1 Providing suitable services  
Policy RD2 Developers' obligations  
Balmedie Settlement Statement (**Appendix 11**)  
Site Allocation OP3: Menie

### 5.4 Other Material Considerations

- Planning and Open Space Planning Advice Note (PAN 65), June 2008
- Aberdeenshire Parks and Open Spaces Strategy, December 2010
- Scottish Government's Policy on the Control of Woodland Removal
- National Planning Framework for Scotland 3 (NPF3), 2014
- Historic Environment Policy Statement, 2016
- Managing Change in the Historic Environment; Setting, 2016
- The Planning (Listed Buildings and Conservation Areas (Scotland) Act 1997
- The planning history and the extant planning permission APP/2006/4605
- Energetica Placemaking Planning Advice

## 6. Discussion

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- 6.1 As part of the Outline Planning Permission (OPP) (Reference: APP/2006/4605) for a golf course and resort development, 500 private residential houses were proposed. Aberdeenshire Council resolved to refuse the application, however before the refusal notice was issued the application was called in by the Scottish Government. The OPP was granted subject to conditions and a Section 75 Legal Agreement following a Public Local Inquiry. The housing was granted in order to assist in funding the development of the golf resort which was seen as a way to develop and diversify the economy of the north-east by promoting the tourism sector.
- 6.2 The housing has, as a consequence of this decision, been allocated in the Local Development Plan. The Reporter in his findings on the Examination in Public of the 2017 Local Development Plan reiterated that the housing related to the economic benefits of the development and was specific in stating that all of Phase 1 of the overall development must be completed before the housing is brought forward. The Council could maintain this position and use the lack of sufficient development of Phase 1 of the overall development, in particular the lack of a large hotel, as the primary reason to refuse this application.
- 6.3 If the housing had not been part of the overall outline planning permission it is unlikely that it would have been allocated in the Local Development Plan as other sites would probably have been preferred by reason of being in more sustainable locations.
- 6.4 It would be equally valid for the Council to accept that the significant changes to the economy in the last 10 years should lead to reassessing whether it is still reasonable to insist that all of Phase 1 be developed prior to any housing. The drop-in oil price and the impact on the north east economy and markets in 2014 is of relevance.
- 6.5 At the time of the original OPP application there was a demonstrable lack of hotel beds in the area. This is no longer the case. The applicant has provided on site a small country hotel and lodge but seeks to provide alternative accommodation in the form of luxury cottages and lodges to deliver the economic benefits originally envisaged. This application would provide 5 lodges and an additional 34 hotel room accommodation which would continue the process of providing tourist accommodation on site.
- 6.6 The applicant also now wishes to provide many of the facilities normally associated with a large hotel as part of Chapter 1B of this application. These facilities would work together with the small hotel facility at MacLeod House to provide some of what was envisaged in the original OPP.
- 6.7 The Planning Service has accepted the case put forward by the applicant in this regard and are supportive of the revised phasing. It was however apparent that when this proposal was previously considered by the Formartine Area Committee on 26 March 2019, a number of matters were identified which required to be resolved, prior to determination, to fully ensure that the proposal, where possible, met the relevant policies of the Aberdeenshire Local Development Plan 2017. As

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outlined in section 2.13 of this report, it is clear that the applicant has since submitted a notable volume of further information in an attempt to address as many of the outstanding matters previously identified as possible. In addition, at the meeting of 26 March 2019 Formartine Area Committee, Members requested that further detailed information be provided for consideration at Full Council in relation to a number of matters. Further information has also been submitted specifically in response to the matters raised.

- 6.8 The remainder of this discussion section deals with all other planning issues relevant to the determination of the application. The key considerations are categorised and outlined in the following sections.

### Principle of Development

- 6.9 The site is allocated in the current Aberdeenshire Local Development Plan 2017 in the Balmedie settlement statement as OP3, which sets out the allocation of the site in full. The allocation includes up to 500 houses, community facilities, holiday apartments as well as golf villas and a resort hotel.
- 6.10 The supporting text to the allocation states that as the original Outline Planning Permission (OPP) was granted for exceptional reasons based on the predicted social and economic benefits of the then proposed development. The allocation does not support alternative development proposals that would deviate away from the consented scheme including the conditions and Section 75 Agreement that forms part of the outline consent. The text continues to explain that Phase 1 must be complete before the construction of any private housing will be permitted and that Phase 2 should alternate resort development with residential development to deliver the first tranche of homes only after the first block of holiday apartments are completed.
- 6.11 As noted in Section 2, there is an extensive planning history on this site. The active OPP (under reference APP/2006/4605) for the development was granted on 16 December 2008. [Link to Outline Planning Permission APP/2006/4605 documents](#). **Appendix 12** contains a list of the OPP conditions and which of these have been discharged. A Masterplan has also been approved for the resort (under reference APP/2010/0423) which was a requirement through Condition 3 of the OPP.
- 6.12 For reference, Phase 1 of the OPP (which is specified in the conditions) comprises the championship golf course, maintenance building, clubhouse, starters' hut, caddy shack, practice facilities, driving range, hotel, 36 'golf villas' and staff accommodation. Phase 2 of the development comprises the first block of holiday apartments to be completed prior to work commencing on the construction of any of the private houses and then broken down thereafter into blocks of holiday apartments and private houses (a total of 950 holiday apartments in four blocks and up to 500 houses).
- 6.13 The developer has explained in the Planning Statement the reasoning for this early draw forward of the housing. This has been due to the original phasing being no longer economically viable. This will be discussed in more detail below.

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- 6.14 This application for 550 dwellinghouses (up to 500 residential units and a minimum of 50 leisure/resort units) as well as community facilities and food and drink uses are all elements which would have been contained within the OPP. The amendments to the proposal to remove the 2 blocks of 8-bedroom lodge accommodation has benefits in terms of protecting the setting of the listed building and the reduction in tree removal, both of which will be discussed further under other headings. Whilst this would be a loss to the hotel accommodation, it has been offset by other proposed amendments to replace the workers studios and office space with 34 hotel suites/bedrooms. When including the 5 x 4-bedroom lodge properties, there would be a total of 54 resort rooms which would fall within the requirements of Phase 1 of the OPP.
- 6.15 Whilst this number falls far short of the 450 bedrooms proposed for the hotel and 36 'golf villas', it is considered for the detailed elements of the proposal and in the current economic climate (discussed in more detail below), to be a welcomed element of the development. There is scope within future Chapters to incorporate additional resort accommodation to further fulfil the allocation. Should this application be approved, future chapters would be assessed under any subsequent Matters Specified in Conditions or Full Planning Permission applications.
- 6.16 In terms of the OPP and the settlement statement allocation, the proposal fails to comply with the original phasing in the OP3 allocation; in that phase 1 of the OPP has not been fully implemented. However, to date, several developments have been completed, such as the championship golf course and golf related facilities, the clubhouse and maintenance building. Macleod House and Lodge has also been converted into a small country hotel providing a total of 21 bedrooms. In addition, as noted above in paragraph 2.11 the Planning Service is currently assessing an application for a second golf course within the Estate which is near completion and will be reported to the Formartine Area Committee in due course. **Appendix 13** contains a Table showing all development granted, delivered and pending delivery.
- 6.17 With regard to the settlement statement text, under Services and Infrastructure, it states that all development must contribute to a new health care centre at Balmedie, located on the R2 site. Considering advice given by NHS and Developer Contributions, the application would depart from the Development Plan due to contributions being sought towards a new Health Facility within Ellon. The Planning Service are content that this is an acceptable departure given the NHS have stated that due to availability of workforce, demographics and affordability there is no plan to establish a new practice at Balmedie and any new patients from the Menie Estate would be expected to register in Ellon. This effectively is in line with the current NHS programme which has altered since the adoption of the current Local Development Plan.
- 6.18 Policy R1 Special rural areas restrict housing and employment development opportunities in the greenbelt and coastal zone to reflect the special nature of these areas. Whilst the policy does not specify there is an exception for allocated sites, the Settlement Statement clearly has Menie as an allocated site for

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development. As such, the Planning Service are content that the principle of the development is an acceptable departure from this policy.

- 6.19 Policy B3 Tourist facilities supports development of new tourist facilities or accommodation that are well related to settlements and deliver net economic and social benefits. The Local Development Plan allocation and Outline Planning Permission already establish the requirement for tourist facilities on this site. Whilst as noted above the provision of 54 resort rooms does not fulfil the allocation, it is a step towards it, as with the inclusion of other facilities such as the gym, shops and potential for food and drink uses to provide additional economic and social benefits to the area. As such, the Planning Service is satisfied that the proposals comply with this policy.
- 6.20 The proposal includes the provision of a town hall and gym which would be located in an accessible location within the site, not only for future residents but for existing residents outwith the site. As such, the Planning Service is content that the application complies with Policy P6 Community infrastructure.
- 6.21 It is recognised that the current application is a significant departure from the allocation in terms of the original phasing and Section 75 but meets the requirements of other key policies. In order to fully assess the acceptability of the principle of development, other matters must also be assessed, mainly the economic implications and housing land.

### Economic Benefits

- 6.22 The EKOS Limited Economic Impact Review which was part of the original 2006 Outline Planning Permission documents estimated that the resort development could generate approximately 950 local jobs and 900 national jobs as net additional development related employment, 1,900 local jobs and 4,050 national jobs as net additional construction industry employment and a net additional development related Gross Value Added (GVA) of £43.5 million at the local level and £42.4 million at a national level.
- 6.23 The new Economic Impact Assessment of Phase Two report estimates that Phase two (the current application) could generate a net long-term economic annual impact of approximately 244 local jobs and 268 national jobs and a gross impact of development construction related employment of approximately 1,980 local jobs and 2,120 national jobs. In summary the net economic impacts for Phase 2 related GVA would be £12.4 million at the local level and £14.2 million at a national level.
- 6.24 The Council's Business Development Executive has commented that the proposal fits well with the Regional Economic Strategy and proposals like this would help diversify the economy as well as help to mitigate other weaknesses in the regional economy such as the lack of affordable housing. The direct and indirect job opportunities would generate an increase in economic growth for the local economy. Whilst completion of the development would normally be welcomed, the changes to the phasing of the development makes it less attractive economically



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by providing more residential housing before tourism infrastructure. However, this application must be treated on its own merits.

- 6.25 The developer has provided an Economic Impact Assessment of Phase 2. The applicant has outlined that the proposed development would generate a number of construction jobs and wider benefits from construction as well as longer terms jobs. The Report also outlines the challenging environment for investment as a result of the 2008 recession and oil price collapse in 2014 and as such the market prospects today are very different compared to a decade ago. This is not necessarily unique to this development.
- 6.26 Both Scottish Planning Policy (SPP), the National Planning Framework 3 (NPF3) alongside the Aberdeen City and Shire Strategic Development Plan offers support for business and sustainable economic growth but also highlights that there should be the ability to be flexible to accommodate changing circumstances. The Settlement Statement allocation does not allow any flexibility in this regard. SPP alongside NPF3 also highlights that house building makes an important contribution to the economy which is clear from the findings of the submitted information. The Economic Impact Assessment outlines the benefits of the residential development to the local economy as well as the tourist accommodation impact and other facilities that would be provided on site.
- 6.27 Following consideration of the national and regional policy documents, alongside the applicant's Economic Impact Assessment and comments from Economic Development, the Planning Service considers flexibility to be key to ensuring the deliverability of the full resort development over time. It is acknowledged that the original phasing would have been the desired long-term plan for the resort but given the change in circumstances with regard to the downturn in the economic climate, as well as the hotel industry, the proposed development seeks to provide a net economic benefit to the area. This being in terms of the deliverability of affordable houses in the Ellon Academy Catchment Area, and the provision of construction, commercial, leisure and tourism job opportunities.

### Housing Land and Affordable Housing

- 6.28 The Local Development Plan allocates housing sites in line with Aberdeen City and Shire Strategic Development Plan. As mentioned in Section 2, the allocation OP3 includes a housing allocation for 500 homes. Given the proposed development does not exceed these numbers setting aside the phasing conditions, Policy H1 Housing land would therefore support the principle of the development. For noting, the OP3 allocation is currently classed as constrained within the Housing Land Audit for Infrastructure reasons and as such does not count towards the five-year effective land supply. However, this was mainly based on the Aberdeen Western Peripheral Route (AWPR) and the dualling from Balmedie to Tippetty which have both now been completed.
- 6.29 In accordance with Policy H2 Affordable Housing, Infrastructure Services (Housing) are seeking to secure a 25% affordable housing contribution in the form of a commuted payment in order to address the local housing need in

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the Ellon Academy catchment area. For Chapters 1A and B the Housing Service are seeking a commuted sum to be paid in instalments upon the completion of the 20<sup>th</sup>, 40<sup>th</sup>, 60<sup>th</sup> and 73<sup>rd</sup> open market unit. Future Chapters will also require a 25% contribution and would be by further contributions. However, there is scope for the consideration of on-site delivery of affordable housing units which meets local housing need. This would require to be assessed prior to any future applications. This has been agreed in principle with the developer and given that the Heads of Terms for a Section 75 have now also been agreed for all other contributions sought, the proposal is considered to comply with Policy H2 Affordable Housing.

### Developer Obligations

- 6.30 A package of Planning Obligations for the development has been issued to the applicant and the Heads of Terms have now been agreed. Aberdeenshire Council is seeking contributions towards Affordable Housing, Primary Education, Community Halls, Sports and Recreation, Healthcare and Waste and Recycling. Following the comments from Education, the Planning Service requested build out rates for Chapter 1A to establish whether there is any impact on secondary school capacity. This has now been received and Education has confirmed that there should be no impacts on secondary school capacities. As such, the proposal complies with Policy RD2 Developers' obligations.

### Layout, Siting and Design

- 6.31 The Design Statement explains the vision of the proposed development which aims to *create a network of mixed-use neighbourhoods with vernacular inspired housing typologies, intimate streets and breath-taking scenery with mature planting, shared greens and a park. The development has been inspired by the architecture found throughout Aberdeen and the wider north east of Scotland such as Braemar, Ballater and Monymusk, utilising local materials such as granite, timber, stone and slate with traditional architectural detailing.*
- 6.32 In line with the requirements of the Settlement Statement allocation, a design review process has taken place through the Aberdeenshire Design Review Panel. **Appendix 14** contains the note and the key matters highlighted by the Panel for the applicant's consideration.
- 6.33 The Panel raised numerous points regarding the key characteristics and, treatment (removal, retention and protection) of tree belts as well as the loss of trees and where possible the retention of high-quality specimens. The Panel specifically noted the significance of the trees to the setting of MacLeod House. In addition, that there appeared to be a lack of information surrounding mitigation and compensatory planting as well as providing a landscaping strategy. The Panel also commented on the built development in terms of boundary treatments, opportunities for play areas, use of back lanes, hard edges to the development and lack of housing mix as well as connectivity of the site and lack of a focal point within the housing area.

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- 6.34 In addition to the policies of the LDP the Aberdeenshire Council Design Review Panel aims to further raise the quality of the built environment in the Aberdeenshire area by providing well-reasoned, constructive design advice that can be used by design teams, architects, planners and/or developers either in the run-up to submission of a planning application (pre app stage) or as in this case part of a valid planning application as a way of progressing forward to determination. The role of the Design Review Panel is to assist those responsible for the development of the built environment by offering independent yet informed advice on the design quality of proposals.
- 6.35 Whilst the Design Review process was carried out at a later stage in the determination process, there is no doubt that the process was worthwhile. The applicant has outlined the consideration given to the comments received through the Design Review process and as the current detailed proposals are considered to be early phases in the overall aspiration of the developer at this location, comments will hopefully influence any future development proposal related to the current scheme.
- 6.36 In terms of general layout, siting and design, as part of this hybrid style application, detailed designs and layout have been provided for Chapters 1A and B. The remaining Chapters of the proposal are only indicative at this stage, however, Members will need to consider whether the layout would respect the setting of MacLeod house, Menie Estate and the wider landscape character, as well as forming a suitable access to serve the development.
- 6.37 A central primary road runs roughly through the middle of the housing site and Chapters are branched off from here. There are large pockets of open space around the Chapters as well as formal landscaping areas within the detailed drawings. Looking at Chapter 1A, the primary and secondary roads as well as the landscaping areas are overlooked, with the rear internal lanes accessing the driveways and parking areas to focus on pedestrian access around the site with multiple walking routes through the built and woodland areas.
- 6.38 The house designs, along with the lodge accommodation and buildings within the mixed-use centre, all follow a similar traditional design which takes architectural elements from other Aberdeenshire towns and MacLeod House on site. The Planning Service had requested some minor changes to the design of buildings, however the applicant following consideration of the request indicated that they wished to retain the original designs. The materials proposed across Chapters 1A and B are also consistent. The housing mix is varied in terms of size, but with limited choice other than detached properties. There is only one other style which is the semi-detached 3 bed townhouse.
- 6.39 As the remainder of the site is only Planning Permission in Principle, the layout of the site plan for Chapters 2 - 8 are only indicative and as such cannot be assessed at this stage. There are however opportunities in future phases to provide a greater variety of housing mix to cater to a wider audience.

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- 6.40 In terms of the six qualities of successful places, the Planning Service finds that the proposal through the well thought out layout of the site and design of the buildings would create a distinctive development with a sense of local identity. It would suggest it to be safe and pleasant, encouraging activity and privacy and welcoming through visual appeal with ranging vistas and mature landscaping. There is also scope for adaptability for future needs. Energy efficiency as discussed below can be conditioned.
- 6.41 The applicant has provided and updated Access Plan which addresses wider access connectivity within the proposed site and wider area. The revised Access Plan includes more proposals for promoted paths, creating a network of paths around and between the various phases (chapters) of the housing development, as well as to and across the golf courses. When added to the hierarchy of footpaths within the built environment, this provides a much enhanced strategy for public access than originally proposed. The development and implementation of a signage strategy has previously been discussed and it has been agreed that this can be addressed by way of a condition should this application and that for the proposed second golf course be approved. As such, the application is now considered to comply with all of the criteria of Policy P1, Layout, siting and design.
- 6.42 The overall development site would provide the required 40% of open space in line with policy, and overall the proposal would provide a safe, welcoming and well-connected development as well as including opportunities for useable green networks. The formal landscaped areas within Chapters 1A and B would provide a positive contribution to the development and there are opportunities within this countryside development to provide high quality open space to residents.
- 6.43 Given the application site provides the required 40% open space, and there is potential in future phases to provide high quality open space in the form of sports pitches, play areas etc., the application would in principle comply with Policy P2 Open space and access in new development.

### Access and Servicing

- 6.44 A Transport Assessment (TA) as well as a Construction Traffic Management Plan (CTMP) has been submitted as supporting information. The TA highlights that the estate already benefits from Outline Planning Permission (OPP) granted in 2008 for a Golf Resort.
- 6.45 The summary and conclusions of the consultant's initial Transport Assessment (TA) identified that the level of private residential development proposed through this Planning Permission in Principle (PPiP) application is essentially the same as the original Outline Planning Permission (OPP). The development is well placed adjacent to the A90 and is within easy walking distance of Balmedie and the amenities offered within the village. A new roundabout junction is proposed with the A90 with a new 6m wide primary road routing through the development. A network of dual-use walking/cycling paths are also to be provided and bus services can be diverted into and through the site.

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- 6.46 The amended TA provides updates to Modal Split, Public Transport Strategy, Traffic Impact Assessment and details of Safe Routes to School.
- 6.47 Transport Scotland has no objections to the proposals and has not requested a grade separated junction at this time. However, both Infrastructure Services (Transportation and Roads Development) continue to have concerns regarding phasing and remoteness of the site. Previously outstanding matters in relation to the Street Engineering Review and a Quality Audit have now been addressed and in conjunction with this, Waste Management has removed a holding objection in relation to recycling and waste bin storage and swept path analysis for refuse vehicles as a result of further information submitted.
- 6.48 It should be noted that the internal layout of the remainder of the chapters cannot be assessed at this stage given the indicative layout. The key issue is the principle access arrangements which need to be agreed at this stage. It is general practice that other detailed elements could be agreed by way of condition. The Planning Service had previously requested a plan showing all existing and proposed internal access roads to ensure existing properties would not be affected by the development. This information has now been submitted and provides clarity and reassurance over the retention and connectivity of existing access roads. Whilst the phasing of the development differs from the extant permission and the LDP allocation, the number of residential units has not been exceeded and the site has always been remote from local facilities and was approved in this knowledge and accepted through the LDP examination.
- 6.49 The developers updated Street Engineering Review and Quality Audit has allowed Roads Development to agree the details of the local road network and it has been confirmed that the proposal would be in accordance with the principles of Designing Streets. The Planning Service acknowledges the comments from Transportation looking at the strategic transportation issues and appreciates that national and local policy documents pertaining to new development should have good connectivity, sustainable travel options and try and reduce the need to travel. It is accepted however that both the OPP and the allocation of the site within the Local Development Plan is a strong material consideration that must be given adequate weight by the Planning Service when considering all factors related to the proposal. The site has always been remote from the wider community, but the economic benefits outweighed the environmental impact when the Scottish Ministers granted OPP.
- 6.50 All previously outstanding technical information has now been submitted and is considered to be acceptable. When taking into account all the relevant material factors, the Planning Service would consider the proposal an acceptable departure from Policy RD1 Providing suitable services and Policy P1 Layout, siting and design.

### Drainage and Flood Risk

- 6.51 The submitted and updated Drainage Assessment highlights that there is an existing Scottish Water rising main which runs through the site and continues to the treatment works at Balmedie. The development would have a separate foul

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drainage system which would connect into a new adoptable pumping station. SEPA have noted that the pumping station is located a short distance to the north of the Coastguard Cottages. As mentioned in section 2, surface water would be dealt with by permeable paving for each property, with a swale and detention basin for the roads in Chapter 1A and a swale and filter trench for the lodges and roads in Chapter 1B with permeable paving for the properties and roads in Chapter 1B.

- 6.52 Scottish Water have no objection to the proposals but have highlighted that upgrades will be required within the existing water network and for the drainage network and at the treatment works. Following the submission of updated information, SEPA have withdrawn their objection on surface water and foul/waste water drainage and requested a condition be attached if the application is approved to ensure the connection of the development to the public sewer. Flood Risk and Coast Protection have also advised that what has been provided at this stage is acceptable but detailed designs would require to be submitted. This could be dealt with by an appropriate condition. The proposal is now considered to meet the requirements of Policy RD1 Providing suitable services for water and waste water.
- 6.53 At present SEPA still maintain an objection in relation to engineering activities in the water environment. The applicant has been advised of the details required to address this issue and it has been clarified by SEPA that the matter can be adequately addressed through relevant planning conditions. It is therefore considered that the proposal is capable of meeting the requirements of Policy PR1 Protecting important resources.
- 6.54 Turning to flood risk, the applicant initially submitted two Flood Risk Assessments (FRA) which were Scoping studies that provided a qualitative assessment of flood risk to the proposed development site. One was for the whole Planning Permission in Principle (PPiP) site, and the other for Chapters 1A and B. A new Flood Risk Assessment has now been received which is a detailed study that provides quantitative analysis at the request of the Flood Risk and Coast Protection team. The findings of the new FRA conclude that Chapter 1A is not expected to be at risk of overland flooding and Chapter 1B is potentially at risk, with historic cases of overland flow through the development site. Subsequently, further amendments to the layout of Chapter 1B, in the form of the repositioning of the Gym/Sports Hall building have been required to mitigate the identified risk. As a result, SEPA have now confirmed that in relation to the detailed elements of the proposal (Chapter 1A and Chapter 1B) that no further information is required in relation to flood risk and the previous objection in relation to this matter has been removed. It is clarified that an updated, and site specific FRA is required for either the wider PPIP site, or any detailed individual chapters/phases and this, along with the identified measures outlined in the FRA require to be conditioned as part of any consent.
- 6.55 Flood Risk and Coast Protection on receipt of the previously requested further information have also confirmed their satisfaction with the proposed details. This Service is satisfied with Chapter 1A and 1B subject to appropriate conditions being attached, should the Planning Authority be of a mind to approve this current

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application. It is therefore apparent that in the interim period between the previous Formartine Area Committee on the 26 March 2019 and the current report, the applicant has adequately addressed the outstanding matters related to flood risk and the proposal is now considered to meet the requirements of Policy C4 Flooding.

### Landscape and Visual Impact

- 6.56 This proposed site lies to the north of Balmedie; between the A90 trunk road and the North Sea coastline. It is an allocated site but also within the Coastal Zone. The site lies within the Landscape Character Assessment areas known as the Agricultural Heartlands and Coastal Strip. It is also identified in a Special Landscape Area known as the North East Aberdeenshire Coast.
- 6.57 Policy E2 Landscape identifies the nature of the landscape and seeks to protect the key natural landscape elements from unacceptable effects of developments. The Coastal Strip character area is of increased landscape sensitivity due to the open landform and relationship to the coast itself. The Agricultural Heartlands character area is less sensitive with a gently undulating lowland plateau, scattered woodland and expansive views across the landscape.
- 6.58 The applicant has provided a Landscape and Visual Impact Assessment which sets out likely impacts from the development and summarises that the effects of the proposals result from the introduction of significant development to a rural/ coastal landscape. While locally significant they are not disproportionate to the scale of the proposals and are largely capable of successful mitigation through design and the growth of landscape structure planting.
- 6.59 The Planning Service does not consider that the proposed development, both the housing and the other uses proposed, would have an undue visual impact on the wider landscape character areas and the special landscape area. Furthermore, previous concerns held in relation to the loss of a significant number of trees within the site, as outlined within the Tree Survey, and the potential impact this could have on the important natural landscape within Menie Estate have now been addressed through the provision of a suitable compensatory tree planting scheme. The provision of compensatory planting to mitigate against the loss of trees is addressed in paragraph 11.1. As such, the proposal is now considered to comply with Policy E2 Landscaping.

### Natural Heritage

- 6.60 A Tree Survey Report and Schedule has been submitted as well as an Ecological Impact Assessment. SNH had initially advised that a Habitats Regulations Appraisal ("HRA") was required in relation to the Special Protection Area of wild birds at the Ythan Estuary, Sands of Forvie and Meikle Loch, which has subsequently been carried out following the submission of a report submitted which informed the HRA. Following the Formartine Area Committee Meeting of 26

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March 2019, it has been confirmed by Scottish SNH, that adequate information has been submitted to allow Aberdeenshire Council to update the 2008 Appropriate Assessment related to the impacts on the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area (SPA) which is designated for its important bird populations. It is the opinion of SNH that the proposal will not adversely affect the integrity of the site in this regard. As such an Appropriate Assessment was carried out by the Planning Service in line with the Conservation (Natural Habitats etc.) Regulations 1994. This concluded that due to the nature, location and scale of the proposed works, and compliance with a construction method statement to be agreed, it is not considered that there would be any significant adverse impact on any qualifying interests.

- 6.61 The Ecological Impact Assessment originally submitted with this application noted that up to 23.6% of this woodland would be lost for the development. The Ancient Woodland Inventory Report calculates that, of the 2.7ha of woodland mapped in the SNH Ancient Woodland Inventory (AWI), 2.04ha is within the application site boundary. 1.07ha (39.6%) of the AWI woodland has already been lost due to past land use practices and it is predicted that, of the remaining 0.97ha within the application boundary, 0.6ha (22.2%) would potentially be impacted by the development. As a result 38% of the original woodland on the AWI would remain.
- 6.62 The Ancient Woodland Inventory Report concludes that *the footprint of the woodland included in the AWI has already been reduced significantly and considers that the remaining areas within the development area are of lower value, excepting the larger trees, which are to be retained as far as practicable*. While this woodland may have been heavily modified and replanted it is still representative of the fact that the site is recorded as having been continuously wooded since the 1st edition OS maps of 1860. Permanent removal, to make way for houses will take away any opportunity to improve the quality and biodiversity of the remaining area of this woodland. It is recognised that the number of trees to be removed from the Ancient Woodland has been reduced following the site layout changes and now only 10 individual trees, 3 small groups and part of group G3 are being removed to accommodate the development which is considered acceptable in light of the appropriate compensatory planting now confirmed to be provided.
- 6.63 An updated Tree Survey Report and Schedule submitted to date following amendments to the application highlights the number of trees to be removed to allow for the development. With regard to Chapter 1A - 126 out of 266 trees would need to be felled (47%), and a large proportion of group G3. This will leave 140 individual trees, two complete groups and the remaining part of group G3. For Chapter 1B - 48 trees/small groups would need to be felled out of 190 (25%) which is a significant reduction in the tree loss due to the 2 x 8 lodges being removed from the proposal. The layout changes to both Chapter 1A and B have resulted in more than 200 trees being retained which is welcomed.
- 6.64 The biodiversity assessment of the woodland habitats concluded that the woodland areas were all of lower diversity due to extensive non-native conifer planting, young aged broad-leaved planting and the dominance of beech and sycamore in the older stands. This woodland however is still of value as a habitat



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and the biodiversity can be improved as part of a biodiversity enhancement scheme for the development. A Compensatory Planting Scheme has now been submitted and following consideration by the Scottish Forestry, is considered by the Planning Service to adequately mitigate for the loss of trees and woodland proposed. It has been clarified that a greater area of woodland will be planted than lost (3.07 ha lost and 5.6 ha as compensatory planting). Subject to planning conditions to ensure the implementation of the proposed compensatory planting scheme and a number of detailed elements related to species of trees to be planted and maintenance, this matter is now considered to be fully addressed. In addition, conditions would be required for full detailed tree protection measures, and details of no dig construction to be used for construction of paths within Root Protection Areas.

- 6.65 A Bat Survey has now been submitted and assessed by the Planning Service. The assessment concludes that there are 4 trees valued as having high bat roost potential, 1 tree classed as moderate/high, 4 are moderate and 4 are low/moderate. All bar one, which is of low/moderate is located in Chapter 1A. To date no bat roosts have been confirmed during the ground-based assessments or aerial climbing of the trees on site. Many of the features present within the high and moderate potential trees are suitable for roosting bats at any time of year and the single autumn/winter survey will only provide information on use of trees by bats at that time of year. Only one aerial assessment of the trees has been carried out for those trees identified as having more than moderate bat roost potential and that have been identified for felling. For trees of moderate or high bat roost potential, two or three surveys (either aerial inspections or nocturnal surveys) should be carried out to meet the Bat Conservation Trust guidelines. The report itself concludes that further surveys will be required in the spring/summer. As further survey work is required the Planning Service are not yet in a position to be satisfied that the proposal would not have an adverse impact on a European Protected Species.
- 6.66 A development proposal of this scale is likely to raise concerns relating to biodiversity, nature conservation and public access; however, with only details for Chapter 1A and B it is difficult to address these issues across the whole application site at this stage. If this application is approved, appropriately worded conditions could be used to obtain the necessary detail and supporting information to remedy any concerns raised, to ensure compliance with Policy E1 Natural heritage and Policy PR1 Protecting important resources.
- 6.67 The Planning Service considers that in light of the various elements of new information received since the previous meeting of Formartine Area Committee on the 26 March 2019, it has been demonstrated that the current proposals would not have an overly detrimental impact in relation to natural heritage features including trees and woodland. Through ongoing communication, the amended proposals to reduce tree loss are welcomed and the ongoing commitment now outlined towards biodiversity enhancement and species protection, in conjunction with appropriate planning conditions to ensure relevant requirements are carried out are considered to be in line with the requirements of Policy PR1 Protecting important resources. However, the requirement for further Bat Survey work does however at

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this time result in the proposals failing to demonstrate that there would be no detrimental impact on any protected species. As such, the application fails to comply with Policy E1 Natural Landscape and Policy PR1 Protecting important resources until this matter can be adequately demonstrated.

### Built Heritage

- 6.68 Menie House (as per the Historic Environment Scotland (HES) listing but is now known as MacLeod House), a Jacobean, 2 storey property is a Category B Listed Building and is set amongst mature landscaped gardens and ponds. This property has since been converted to a hotel with 11 bedrooms. Adjacent to the North East of MacLeod House sits The Lodge, an early 19<sup>th</sup> Century H-plan symmetrical steading which is listed by virtue of its location within the curtilage of MacLeod House. This building has also been converted to hotel accommodation with 10 bedrooms and an office/marketing suite.
- 6.69 The proposed housing would be situated to the south of the property, beyond the pond which is within the immediate garden grounds of the house. As noted in Section 2 the applicant has removed the two blocks of lodges from the original layout proposed to be located in close proximity, (approximately 35 metres) to the north of the listed building.
- 6.70 The developer has submitted an Archaeological desk-based Assessment focused on archaeology and built heritage. Within the proposed development site there is the Category B Listed Menie House and three heritage assets. These relate to other structures formally designated within the immediate vicinity of Menie House and are the Old Parish Church, its graveyard and the Morthouse sitting in the cemetery. It should also be noted that the former steading sited north east of Menie House was also subject to listed building consent when converted into an office and additional accommodation. The Report has concluded that there is a moderate to high probability of discovering buried archaeological remains within the proposed development site, as such the Report proposes mitigation measures for any possible direct effects on archaeology. This would involve the submission of Written Scheme(s) of Investigation (WSI) which would, where necessary, make provision for appropriate post-excavation analysis and dissemination of the results of the mitigation work, as well as for archiving of the project materials and records. The Report also identifies a moderate adverse effect on the setting of Category B Listed Menie House due to the proximity of the proposed lodges but offers no mitigation measures.
- 6.71 Infrastructure Services (Archaeology) have not raised any concerns regarding the proposals but have requested that a programme of archaeological works (WSI) is requested by condition should the application be approved. The Built Environment Team had raised concerns regarding the proximity of some of the proposed houses to Menie House, in that the development would potentially impact on the historic setting of the listed building and advise the applicant to reassess the location of the proposed new houses or introduce mitigating measures to reduce their impact on the setting of the listed building. It was advised this could be in the form of strategic planting to screen them from the

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driveway when travelling east towards Menie House. The developer has submitted a scheme of enhanced tree planting on the southern side of the primary estate access which serves to minimise views of the proposed housing when accessing along this route and safeguards MacLeod House as the principle view when rounding the corner of the main access. Views of the units 48 to 52 will still be apparent but the proposed planting goes some way to minimising the full extent of the impact. Updated comments from the Built Environment Team have welcomed the further tree planting proposed but have suggested that further planting along the northwest of the access should also be considered. Whilst this matter could be conditioned as part of any planning consent, it is the view of the Planning Service that the planting scheme proposed adequately serves the purpose of protecting principle views of MacLeod House when entering the estate and further planting would not significantly alter the overall setting of this historic asset. The Planning Service has previously welcomed the removal of the lodges in that it was clear that there would have been a negative effect on the character, integrity and setting of the listed building. This was also recognised though the applicants Landscape and Visual Impact Assessment where it is stated that MacLeod House would be subject to a high level of significant adverse effects.

- 6.72 Whilst the housing element of the proposed development would be visible in the wider landscape of MacLeod House, their location to the south past the main landscaped gardens of MacLeod House is not considered to have a negative effect on the character or setting of the listed building. As such, the Planning Service are content that the amended proposals do not conflict with Policy HE1 Protecting historic buildings, sites and monuments of the Local Development Plan (LDP) and Managing Change in the Historic Environment documents but welcomes additional planting to screen the new development.

### Other Considerations

- 6.73 The site is covered by pockets of prime agricultural land. Policy PR1 Protecting important resources generally discourages developments that would have a negative effect on important environmental resources, however the policy does exclude allocated sites within the Development Plan. For noting, Chapters 1A and 1B have no pockets of prime agricultural land. As such, the proposed development is not in conflict with this section of the policy or Scottish Planning Policy.
- 6.74 In terms of carbon neutrality and energy efficiency, no detail has been provided at this stage. This is usually dealt with by a condition and SEPA has agreed this is acceptable. As such, at this stage the proposal is not considered to conflict with Policy C1 Using resources in buildings.
- 6.75 The site is located with the Energetica Corridor, which stretches from Aberdeen to Peterhead generally in line with the northern “Strategic Growth Corridor” as defined in the Strategic Development Plan. The Energetica Corridor is covered by Policy B4 Special development areas which seeks development to keep to a design and sustainability vision. The key factors for enhancing the quality of life with the planning advice include; access to quality education, social offerings such as places to meet or entertainment venues,

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openness or how welcoming a place is, and the area's physical beauty and green spaces. It is the opinion of the Planning Service that the overarching vision of the proposed development would comply with the aims of the Planning Advice and therefore Policy B4.

### Update of Strategic Development Plan

- 6.76 This proposal has been found to be of a nature that it is relevant to consider the whole Development Plan context. As noted in section 5 of this report, due to the Aberdeen City & Shire Strategic Development Plan 2014 being beyond its 5-year review period, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014 (SPP 14).
- 6.77 The Planning Authority must therefore consider the contribution that this proposal makes to sustainable development. As per SPP14, the strong materiality of economic benefit related to this proposal is acknowledged. In addition to this, the existing allocation for development on this site within the current Local Development Plan which is supported by the extant planning consent for development of this site must also be considered as a further strong material consideration in this case. In any instance, it is apparent that the identified shortcomings of the development in terms of sustainability, related primarily to connectivity and a less than ideal reliance on the private vehicle, is not exacerbated by the current proposals when compared to that already consented on site. Measures in the form of cycle and walking connectivity where possible and a public transport strategy can be sought to mitigate for these shortcomings. The developer has promoted sustainability through alternative aspects of the development such as on site facilities and high quality recreational space and a fabric first approach to address construction sustainability for individual properties and buildings. In addition, the site would provide a net benefit to housing delivery numbers identified in the existing SDP as the site is considered constrained within the Housing Land Audit for Infrastructure reasons ( related to the delivery of the AWPR) and as such would be in addition to the identified five-year effective land supply.

### Public Comment

- 6.78 With regard to comments raised within the representations, the Planning Service considers all relevant material considerations have been covered by the above discussion.

### Matters Arising from Formartine Area Committee Meeting 26 March 2019

- 6.79 As highlighted in the agreed minute of the Formartine Area Committee Meeting on 26 March 2019 (**Appendix 15** contains the minute extract from this meeting) , when this proposal was previously presented to Members in order to provide preliminary views to Full Council for its consideration when determining the

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application, Members agreed that the Committee did not reach a consensus view on the application. The Committee agreed to advise Full Council that members of the Committee had a mix of supportive, negative and neutral views on the application.

6.80 The Committee agreed to advise Full Council of the following matters discussed at Committee:

1. The planning application is a departure from Local Development Plan (LDP) and it fails to comply with the approved Masterplan.
2. The Report to Full Council to provide further information on:
  - a. economic benefits of the development,
  - b. road layout, access to the development and grade separated junction,
  - c. impact of the development on Icelandic pink footed geese.
3. Opportunities highlighted by the Aberdeenshire Design Review Panel not taken up by the applicant.
4. Lack of affordable housing on site.
5. Development in the area of ancient woodland.
6. Outstanding objections from SEPA and Transportation.
7. Concerns raised over connectivity in terms of transport policy.
8. Ability of the development site to provide walking accessibility to local amenities and connectivity in relation to cycling.
9. General concerns over lack of information.

6.81 The developer has subsequently sought to address as many of the matters raised as possible and the resultant information submitted to the Planning Service has been fully assessed and where appropriate, the content of this report has been updated to reflect this information. It is apparent that a number of previously identified matters which remained unresolved have now been fully addressed, namely;

- Strategic Planting to screen the lodges from the driveway to the east of MacLeod House;
- Provision of compensatory planting;
- Updating Tree Survey Report to address concerns over unnecessary tree loss at Chapter 1B;
- Amended Access Plan;
- Amended Flood Risk Assessment;
- Amended Street Engineering Review and Quality Audit;
- Amended drawing showing all existing internal access roads and how they connect to the proposed development; and
- Further information on wheeled recycling and waste bin storage and updated swept path analysis for both Chapters 1A and B.

6.82 The aforementioned Formartine Area Committee minute also outlined further information that had been requested by Members to help inform the determination of the application at Full Council. Members requested that further detailed

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information be provided in relation to the matters listed below. Each matter is addressed in turn.

1. economic impact of the development.
2. grade separated junction on the A90 Balmedie Tippetty dual carriageway.
3. impact of the development on any protected species.
4. provision of primary school.
5. construction traffic management plan (to reroute the construction traffic away from Balmedie).
6. compensatory tree planting and further consultation with Scottish Forestry.
7. greater population of Area Committee report appendices 12 and 13.
8. clarification of Transportation input to the Local Development Plan with regards to the site.

### Economic Impact of the Development

- 6.83 As outlined in para 4.4, following the request of the Formartine Area Committee at its meeting of 26 March 2019, for further economic justification, the Developer has submitted two further separate documents in support of the proposal. These address the current state of the North East economy and an assessment of the economic impact of the second phase of development proposed.
- 6.84 For clarification, and as reported above and in the Formartine Area Committee Report of 26 March 2019, the Economic Impact Review submitted by the developer, as part of the original 2006 Outline Planning Permission documents, estimated that the resort development could generate approximately 950 local jobs and 900 national jobs as net additional development related employment, 1,900 local jobs and 4,050 national jobs as net additional construction industry employment and a net additional development related Gross Value Added (GVA) of £43.5 million at the local level and £42.4 million at a national level.
- 6.85 For comparison, the new Economic Impact Assessment of Phase Two report estimates that Phase Two (the current application) could generate a net long-term economic annual impact of approximately 268 overall jobs of which 244 will be local jobs (located in Aberdeenshire) and a gross impact of development construction related employment of approximately 2,120 national jobs of which 1,980 will be local jobs. In summary the net economic impacts for Phase 2 related GVA would be £14.2 million at a national level of which £12.4 million will be experienced at the local level.
- 6.86 It is apparent that when comparing the current proposals with the original development proposed for this phase of works, the proposal is now heavily weighted towards the delivery of private housing. It is in this simplified context that comments received from Aberdeenshire Council Business Development Executive has described the proposals as a '*weak substitute*'. It is however clear that the proposals do not represent an 'either/or' scenario but are more accurately a re-composition of development proposals to reflect the current economic climate and demand. When viewed in this context, Business Development confirm that the proposals are considered very welcome.

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- 6.87 The Planning Service has sought to identify further opportunities relating to the development to ensure that the social and economic impacts remain at the forefront of the proposal. To this end, following the Formartine Area Committee Meeting, discussions between the Planning Service and the developer have resulted in the developer expressing a willingness to deliver the tourist accommodation elements detailed in the current proposals (which equates to 54 resort rooms) prior to any private housing consented as part of this application. It is therefore proposed to condition the delivery of this aspect of the development in the manner outlined.

### Grade separated junction on the A90 Balmedie Tippetty Dual Carriageway

- 6.88 Following further consultation with Transport Scotland, as requested by Members of the Formartine Area Committee, Transport Scotland has confirmed that the trunk network, as delivered by the AWPR Balmedie to Tippetty project, would be capable of servicing the anticipated level of development satisfactorily and preclude the requirement for a further grade separated junction.
- 6.89 Transport Scotland has further clarified that in respect to the former A90 (now B977), Aberdeenshire Council, as local roads authority, will need to satisfy itself regarding the acceptability of the development impacts of these proposals on the local road network. It has therefore been confirmed by Transportation that the existing road network has adequate capacity to accommodate the level of extra vehicular movements generated by the current application.

### Impact of the Development on Protected Species

- 6.90 In terms of further clarification of the impacts of the proposals on protected species, it is apparent that an extended Phase 1 Habitat survey was carried out, as well as additional surveys for bats and geese in order to inform the submitted Ecological Impact Assessment (EclA). As a result, mitigation measures have been proposed for habitats, protected species and general biodiversity protection and enhancement.
- 6.91 As outlined previously, the proposal will not result in a significant adverse impact on ecologically important habitat. In terms of the impact on specific identified species, it is apparent that in relation to bats, as highlighted above, the EclA advises that an updated bat survey is required and is to be submitted prior to any consent being issued were this application to be considered favourably. The required survey can only be carried out within the summer months. According to legislation this is not a requirement that can be subject to a planning condition and the outcome of any survey must be agreed prior to any planning permission being consented.
- 6.92 In relation to otters, the submitted surveys recorded no evidence of ongoing use of the ponds, however it is proposed to carry out pre-construction and repeat surveys during construction to ensure legal obligations are met.
- 6.93 Ongoing badger activity was recorded during the 2018 surveys; however, it is proposed to carry out pre-construction and repeat surveys during construction to

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ensure legal obligations are met. As any ecological survey is essentially a snapshot in time, up to date surveys will be required for each subsequent phase that comes forward for development.

- 6.94 In terms of birds, it is anticipated that there will be some loss of nest sites for ground nesting farm birds, however this will not be a significant adverse impact due to the proximity of similar habitat adjacent to the site. The development site does not directly impact upon any designated nature conservation sites, however geese from the Ythan Estuary, Sands of Forvie and Meikle Loch Special Protection Area are known to use this area for feeding. A goose survey was also carried out in spring 2018 and included within the submitted EclA. In summary, with the exception of bats, the applicant has now provided a full suite of information related to protected species that could potentially be impacted by the proposed development. On assessment, and in conjunction with relevant technical consultees such as SNH and the Council's Environment Service, the Planning Service is satisfied that all potential impacts have been identified and where appropriate mitigation or ongoing monitoring measures identified.

### Provision of Primary School

- 6.95 Developer Obligations has confirmed that contributions have been secured toward the erection of a new primary school in the Balmedie area. The existing Balmedie Primary School is operating in excess of capacity. To address this issue and provide capacity within the education estate for pupils generated by the Menie development Education and Children's Services propose to erect a new school in the Balmedie to Ellon corridor. The location of the school is still to be confirmed.

### Construction Traffic Management Plan

- 6.96 Transportation has confirmed that the most practical way to address concerns related to construction traffic management is to ensure that a suitable planning condition is attached to the granting of any planning consent to ensure that a construction management plan is outlined prior to the commencement of any development. It is clarified that this is required in order to understand the construction impacts. It is further highlighted that access cannot reasonably be prevented to any part of the public road network without good reason to do so.

### Compensatory tree planting and further consultation with Scottish Forestry

- 6.97 As indicated within this report, further information related to compensatory tree planting has been submitted by the developer. Scottish Forestry have confirmed that the proposed scheme of compensatory planting exceeds the amount of woodland loss in this instance. It is highlighted that under the Scottish Government's Control of Woodland Removal Policy there is a strong presumption in favour of protecting Scotland's woodland resources and removal should only be allowed where it achieves significant and clearly defined additional public benefits and that compensatory planting may form part of this balance. In light of the information received, the Planning Service is satisfied that the public benefits generated from the development in conjunction with the enhancement proposed



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by additional tree planting is considered to be acceptable and in accordance with the terms of the Scottish Government's Control of Woodland Removal Policy.

### Greater population of Appendices 10, 12 and 13 of FAC Report

- 6.98 Updated Appendices as attached to this report.

### Clarification of Transportation input to the Local Development Plan with regards to the site

- 6.99 Site OP3 at Balmedie was added at the Proposed Plan stage (2015). The proposal was not assessed by Transportation, as it was not a formal bid and was previously consented development.

### Conclusion

- 6.100 The application is supported by several documents, both technical and non-technical including a detailed phasing plan for the entire site. It is acknowledged that the developer has now addressed many of the outstanding holding objections from consultees through the submission of new and updated reports/information. As a result, the proposal continues to be considered as an acceptable proposal in principle.
- 6.101 Assessing all the above considerations, the Planning Service considers the potential economic benefits of the proposed development to have considerable merit. The residential development is considered to be acceptable as a departure from the Settlement Statement, in particular the phasing element. In addition, given the site is allocated with the Local Development Plan, the Planning Service is also content with a departure from Policy R1 Special rural areas. The Committee is asked to confirm its agreement to this view.
- 6.102 Notwithstanding the above, the proposal is still required to comply with all other relevant policies and as a result of the awaited Bat Survey information, concerns in relation to Policy E1 Natural Landscape and Policy PR1 Protecting important resources remain. As such, the Planning Service is unable to fully support the application and recommend that this matter is delegated in order to allow the applicant time to satisfy the requirements of the Planning Service in relation to this matter. The relevant consultees have clarified that the outstanding requirement can be addressed and for this reason, the Planning Service consider it acceptable in these circumstances to allow this matter to be delegated to enable the applicant to provide all the required information. Should this matter not be addressed within a reasonable timescale, the Planning Service would refer this application back to Full Council.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

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### 8. Implications and Risk

- 8.1 An Equality Impact Assessment is not required because the proposed development would not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

### 9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

### 10. Departures, Notifications and Referrals

#### 10.1 Strategic Development Plan Departures

None. The proposal, in its wider sense, realises the economic potential of the Menie Estate. Furthermore, it is apparent that the identified failings of the development in terms of sustainability, related primarily to connectivity and a less than ideal reliance on the private vehicle, is not exacerbated by the current proposals when compared to that already consented on site and allocated within the Local Development Plan.

#### 10.2 Local Development Plan Departures

Balmedie Settlement Statement (**Appendix 11**)

Policy R1 Special rural areas

Policy P1 Layout, siting and design

Policy E1 Natural heritage

Policy PR1 Protecting important resources

Policy RD1 Providing suitable services

- 10.3 The application is a Departure from the valid Local Development Plan. The application has been advertised in the Johnston Press. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

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- 10.5 The application shall be reported to Full Council with the Planning Service's recommendation with the view of the Formartine Area Committee forwarded for consideration.

### 11. Recommendation

- 11.1 **That the Formartine Area Committee provides preliminary views to Full Council for its consideration when determining the application and note the recommendation to delegate the GRANT of Planning Permission in Principle subject to: -**

- The satisfactory submission of a further Bat Survey;
- The conclusion of a S75 Legal Agreement; and
- Appropriate Conditions to address the matters outlined below;
  - Direction for PPP condition (as overall development is likely to take longer than the standard time period);
  - MSC Matters requiring further approval (layout, siting and design information);
  - Extent of development (max 550 units);
  - Phasing details;
  - Landscaping/Compensatory planting details and mitigation;
  - Environmental and Biodiversity enhancements, mitigation measures and preconstruction surveys;
  - Carbon neutral technology feasibility assessment and energy statement;
  - Transportation and Roads Development requirements;
  - Programme of archaeological works;
  - Implementation/timing of Access Plan routes and signage strategy;
  - Further flood risk and drainage impact assessments; and
  - Confirmation of connection to public water and drainage infrastructure.

### For noting:-

Part 2C (Planning Delegations) states at Section C.2.2 for Major Development, that following consultation with the Chair and Vice-Chair of the determining Committee for applications initially dealt with by the Area Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within six months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Gregor Spence  
Report Date: 21 August 2019

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### List of Appendices for APP/2018/1814

### Formartine Area Committee Report 3 September 2019

Appendix 1: Location Plan

Appendix 2: PPiP Site Plan

Appendix 3: Chapter 1A Site Plan

Appendix 4: Chapter 1B Site Plan

Appendix 5: Full List of Previous Planning Application History

Appendix 6: Pre-Determination Hearing Note

Appendix 7: Consultation response from Belhelvie Community Council

Appendix 8: Consultation response from Foveran Community Council

Appendix 9: Map showing locations of both Ramsar Site and Special Protection Area

Appendix 10: Table listing all Consultees and recommendations

Appendix 11: Balmedie Settlement Statement

Appendix 12: Table showing all Outline Planning Conditions and those which have been  
discharged

Appendix 13: Table showing all development granted, delivered and pending delivery

Appendix 14: Design Review Panel Note

Appendix 15: Minute extract of Formartine Area Committee 26 March 2019

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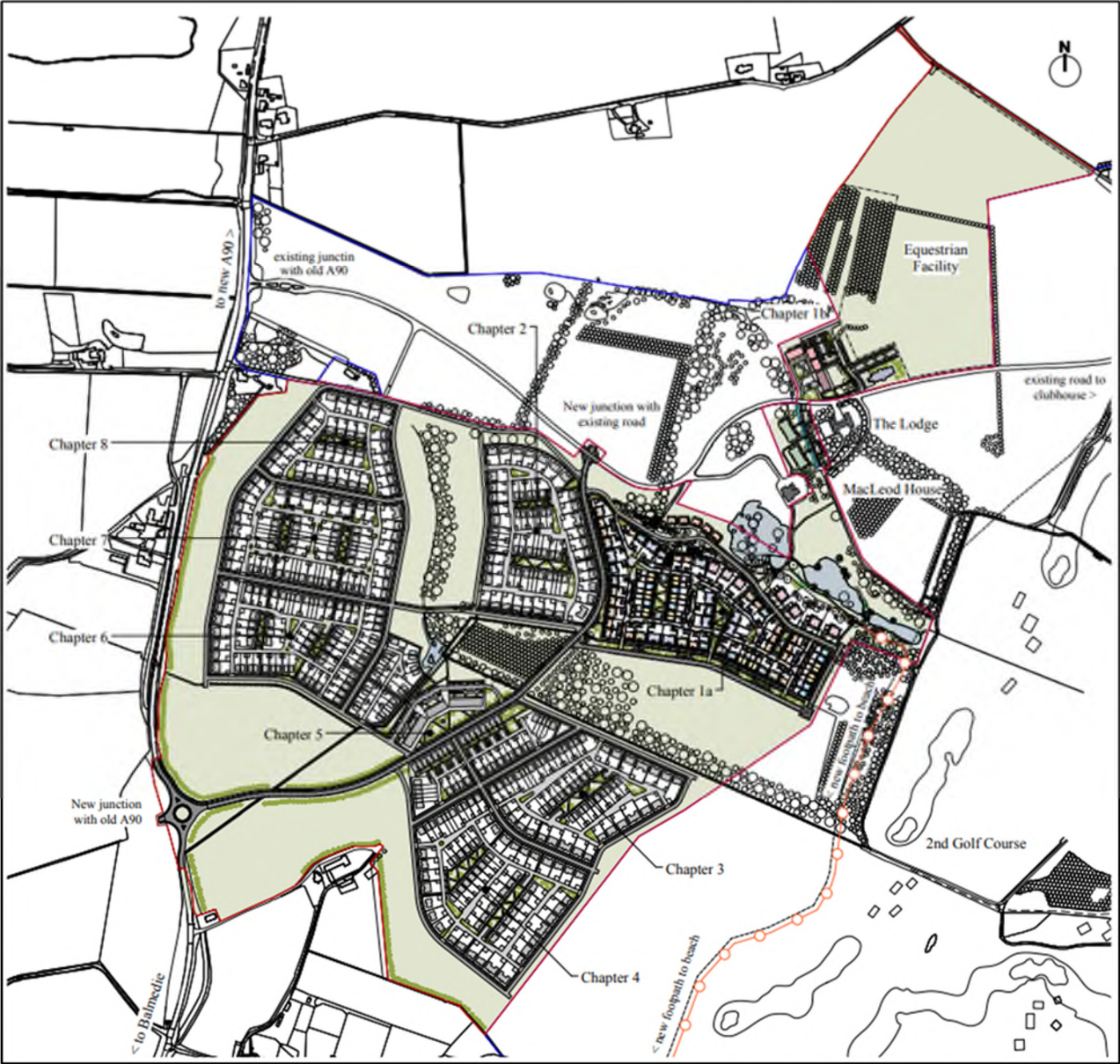
APP/2018/1814

### Appendix 1: Location Plan



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Appendix 2: PPiP Site Plan

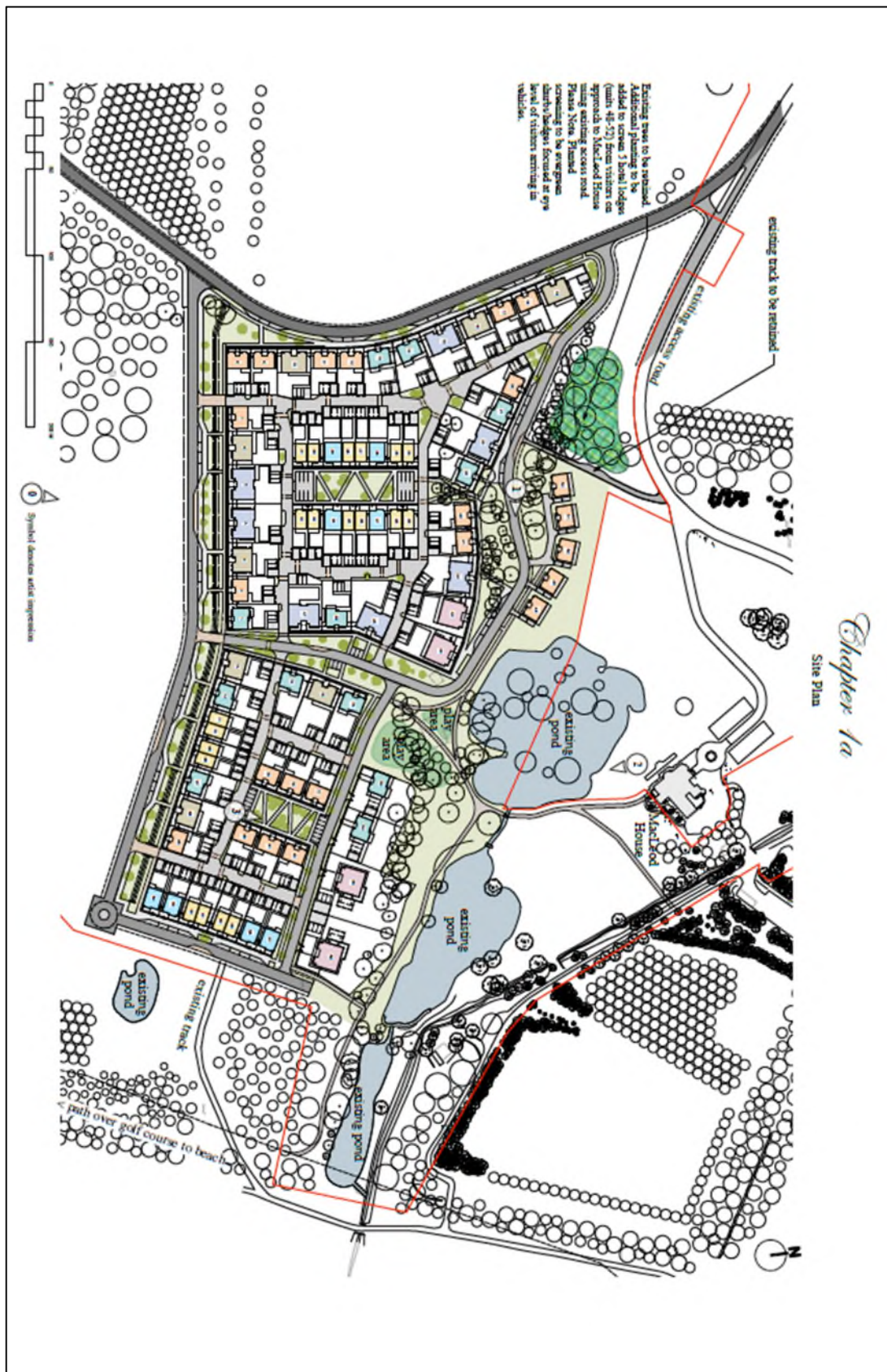




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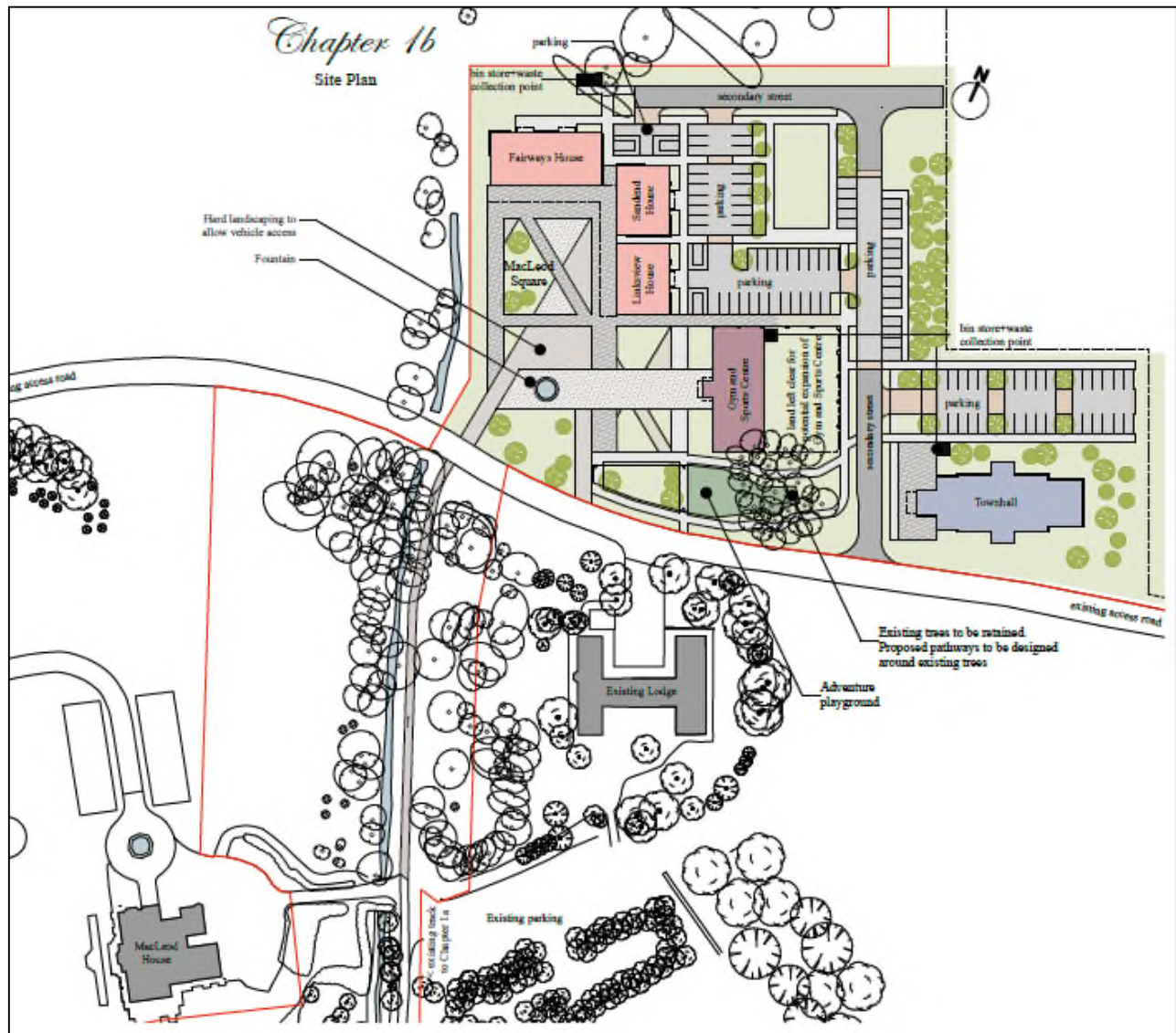
Appendix 3: Chapter 1A Site Plan



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### Appendix 4: Chapter 1B Site Plan





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### Appendix 5: Planning Application History

#### **Trump International Golf Link Scotland – Application History**

**APP/2006/4605** – Outline Planning Permission for Golf Course and Resort Development at Land at Menie, Balmedie.

- Scottish Ministers granted subject to conditions on 16/12/2008

**APP/2006/4606** – Full Planning Permission for Erection of Golf Maintenance Facility.

- Withdrawn on 05/01/2009

**APP/2006/4607** - Full Planning Permission for Change of Use and Alterations to Steading to form Marketing Suite.

- Granted subject to conditions on 25/04/2008

**APP/2006/4608** – Listed Building Consent for Change of Use and Alterations to Steading to Form Marketing Suite.

- Granted subject to conditions on 25/04/2008

**APP/2007/1517** – Full Planning Permission for Formation of Champion Golf Course & Driving Range.

- Withdrawn on 21/04/2008

**APP/2009/1620** – Outline Planning Permission for Golf Course and Resort Development to form part of Golf Course and Resort Development granted Outline Planning Permission by Scottish Ministers 16 December 2008 (Ref CIN/ABS/001) at Land at Leyton Farm, Balmedie

- Granted subject to conditions on 04/09/2009

**APP/2009/1623** - Outline Planning Permission for Golf Course and Resort Development to form part of Golf Course and Resort Development granted Outline Planning Permission by Scottish Ministers 16 December 2008 (Ref CIN/ABS/001) at Land and Property at Hermit Point, Balmedie.

- Granted subject to conditions on 04/09/2009

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**APP/2009/1629** – Outline Planning Permission for Golf Course and Resort Development to form part of Golf Course and Resort Development granted Outline Planning Permission by Scottish Ministers 16 December 2008 (Ref CIN/ABS/001) at Land and Property at Leyton Cottage, Balmedie.

- Granted subject to conditions on 04/09/2009

**APP/2009/1631** – Outline Planning Permission for Golf Course and Resort Development to form part of Golf Course and Resort Development granted Outline Planning Permission by Scottish Ministers 16 December 2008 (Ref CIN/ABS/001) at Land and Property at Mill of Menie & Menie Fishing Station, Balmedie.

- Granted subject to conditions on 04/09/2009

**APP/2009/1633** – Outline Planning Permission for Golf Course and Resort Development to form part of Golf Course and Resort Development granted Outline Planning Permission by Scottish Ministers 16 December 2008 (Ref CIN/ABS/001) at Council Land at Menie Estate.

- Granted subject to conditions on 04/09/2009

**APP/2009/2479** – Full Planning Permission for Marram Grass Planting, Preparatory Earthworks and Chestnut Pale Fencing on the Inner Dunes at Menie Links.

- Granted subject to conditions on 12/11/2009

**APP/2010/0423** – Approval of Matters Specified in Conditions for Outline Planning Permission (Ref: APP/2006/4605) including (1) Masterplan and (2) Championship Golf Course Detail including Driving Range, Short Game Area, Putting Green and Turf Nursery.

- Granted subject to conditions on 24/06/2010

**APP/2010/1535** – Full Planning Permission for Construction of Championship Golf Course including Driving Range, Short Game Area, Putting Green & Turf Nursery.

- Granted subject to conditions on 30/06/2010

**APP/2010/2665** – Full Planning Permission for the Construction of a Maintenance Facility for the Championship Golf Course.

- Granted subject to conditions on 16/11/2010

**APP/2011/1889** – Full Planning Permission for Engineering Operations to Upgrade and Construct an Access Way to Service the Clubhouse and Championship Golf Course.

- Granted subject to conditions on 26/10/2011

**APP/2011/3557** – Full Planning Permission for Erection of Golf Clubhouse and Turning Circle.

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- Granted subject to conditions on 07/02/2012

**APP/2011/3559** – Full Planning Permission for Construction of a Temporary Clubhouse to be used for a period of 3 years from the date of its first occupation.

- Granted subject to conditions on 13/12/2011

**APP/2011/3560** – Full Planning Permission for Engineering Operations to Construct a Car Park to Serve the Golf Course and Proposed Clubhouse.

- Granted subject to conditions on 13/12/2011

**APP/2012/0857** – Full Planning Permission for Erection of Entrance Building & Erection of Clock Tower.

- Granted subject to conditions on 20/04/2012

**APP/2012/0858** – Full Planning Permission for Erection of Walls at Trump International Golf Links Entrance.

- Granted subject to conditions on 20/04/2012

**APP/2012/0859** – Advertisement Consent for Erection of Signage and Flagpoles.

- Part Granted (Sign-Boards) subject to conditions on 20/04/2012 part Refused (Flag Poles) on 20/04/2012.

**APP/2012/1223** – Full Planning Permission for Construction of a Temporary Clubhouse to be used for a period of 3 years from the date of its occupation (Amended design) (Retrospective).

- Granted subject to conditions on 06/06/2012

**APP/2012/2466** – Advertisement Consent for Erection of Signage (Retrospective)

- Granted subject to conditions on 10/09/2012

**APP/2012/2342** – Full Planning Permission for Engineering Operations to construct Car Park to serve Golf Course and Proposed Clubhouse (Amended design) (Retrospective)

- Granted subject to conditions on 13/06/2013

**APP/2012/3123** – Change of Use from Lodge to form part of Golf Course & Resort Development including Accommodation for Guests & Tourists (Retrospective).

- Granted on 10/01/2013.

**APP/2012/3125** – Change of Use from Lodge to form part of Golf Course & Resort Development including Accommodation for Guests & Tourists (Retrospective).

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- Listed Building Consent granted on 10/01/2013.

**APP/2012/3126** – Change of Use of MacLeod House to a use that forms part of the Golf Course & Resort Development (Retrospective).

- Granted subject to condition on 18/02/2013.

**APP/2012/3128** – Change of Use of MacLeod House to a use that forms part of the Golf Course & Resort Development (Retrospective)

- Listed Building Consent granted subject to conditions on 25/02/2013

**APP/2013/0041** – Full Planning Permission for Erection of Temporary Function Marquee.

- Granted subject to conditions on 27/03/2013.

**APP/2013/2469** – Full Planning Permission for the Variation of Condition 1 (Extension of Time to Complete Works) of Planning Permission Reference APP/2012/2342.

- Granted subject to condition on 31/10/2013.

**APP/2-13/3517** – Full Planning Permission for the Construction of 18 Hole Golf Course

- Withdrawn on 14/02/2014

**APP/2014/1872** – Full Planning Permission for the Change of Use from Dwellinghouse to House in Multiple Occupancy.

- Granted on 17/07/2014.

**APP/2014/2864** – Full Planning Permission for the Erection of a Clubhouse.

- Granted on 21/10/2014.

**APP/2014/2972** – Full Planning Permission for the Formation of a Mound Soakaway (Retrospective).

- Granted on 04/11/2014.

**APP/2015/0873** – Full Planning Permission for Extension to Provide Banqueting Accommodation and 6 No. Additional Hotel Rooms with Ancillary Leisure and Operational Facilities.

- Granted on 15/07/2016

**APP/2015/0876** – Listed Building Consent for Extension to Provide Banqueting Accommodation and 6 No. Additional Hotel Rooms with Ancillary Leisure and Operational Facilities.

- Granted on 21/11/2016

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**APP/2015/0919** – Full Planning Permission for the Erection of 30 Room Staff Accommodation Unit Ancillary to Golf Resort.

- Granted subject to conditions on 23/06/2015.

**APP/2015/2823** – Construction of 18 Hole Golf Course and Ancillary Facilities.

- Currently under assessment.

**APP/2015/2842** - Construction of Bag Drop in Connection with Permanent Club House Building (Retrospective)

- Granted on 24/12/2015.

**APP/2015/2843** – Construction of Walls at Entrance (Retrospective)

- Granted on 24/12/2015.

**APP/2016/0278** – Erection of a Flagpole (Retrospective) North of McLeod House.

- Granted on 22/03/2016

**APP/2016/0329** – Erection of a Flagpole (Retrospective) South of Clubhouse

- Refused on 27/04/2016
- Appeal (Reference No. PPA-110-2307) Allowed and planning permission granted on 14/11/2016.

**APP/2017/0533** – Modification of Planning Obligation No.7 of Section 75 Agreement (APP/2006/4605 and APP/2010/0423).

- Currently under assessment

**APP/2018/1814** – PPPM for the Erection of 550 dwellinghouses (up to 500 residential units and a minimum of 50 leisure/resort units), community facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), development falling within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), landscaping and supporting Infrastructure

- Currently under assessment

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### Appendix 6: Pre-Determination Hearing Note

#### Note of Pre-Determination Hearing

**Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure**

**Land at Menie Estate Balmedie Aberdeenshire AB23 8YE**

Wednesday 12 December 2018 at 6pm in Ellon Academy Community Campus

The Hearing was conducted in accordance with Appendix G of Part 2C of the Aberdeenshire Council Scheme of Governance.

<b>Present:</b>	Councillor I Davidson (Chair)	Ellon and District
	Councillor K Adam	Mid-Formartine
	Councillor L Berry	Inverurie and District
	Councillor R Bruce	Banchory and Mid-Deeside
	Councillor M Buchan	Central Buchan
	Councillor G Carr	Mearns
	Councillor J Cox	Banff and District
	Councillor S Duncan	Turriff and District
	Councillor A Evison	North Kincardine
	Councillor M Ewenson	Inverurie and District
	Councillor M Findlater	Troup
	Councillor A Forsyth	Turriff and District
	Councillor J Gifford	Mid-Formartine
	Councillor V Harper	West Garioch
	Councillor A Hassan	Mid-Formartine
	Councillor F Hood	East Garioch
	Councillor P Johnston	Mid-Formartine
	Councillor A Kille	Fraserburgh and District
	Councillor A Kloppert	Ellon and District
	Councillor I Mollison	North Kincardine
	Councillor G Owen	Ellon and District
	Councillor A Stirling	Turriff and District
	Councillor I Taylor	Turriff and District
	Councillor R Thomson	Ellon and District

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Councillor I Walker  
Councillor J Whyte

Westhill and District  
Inverurie and District

**Council Officers:** Chris White, Area Manager  
Kate Bond, Head of Customer Communication & Improvement  
Karen Wiles, Head of Service, Legal & Governance  
Robert Gray, Head of Service, Planning and Building Standards  
Martin Ingram, Senior Solicitor  
Ann Ramsay, Senior Planner  
Darren Ross, Team Manager  
Ruth O'Hare, Principal Solicitor  
Ann Riddell, Principal Committee Officer  
Kasia Balina, Area Committee Officer  
Kirsty Macleod, Area Committee Officer  
Sarah Rochester, Service Manager  
Donna Sutherland, Area Project Officer  
Samantha Rawlins, Community Planning Officer  
Ann Lennox, PA to Area Manager  
Carol Crawford, PA to Area Manager  
Mairi Stewart, Planning Service Manager

**Consultees:** Aberdeenshire Council:  
  
Paul Macari, Principal Developer Obligations Officer  
Kenn Clark, Principal Engineer  
Peter MacCallum, Roads Development Manager  
Elaine Reid, Team Leader, Housing  
Eleanor Munro, Environment Planner  
Douglas Rennie, Business Development Executive  
  
Belhelvie Community Council:  
Alex McIntyre  
David Wallace

**Applicant:** Sarah Malone – Trump International Golf Links Scotland  
Lynsey Shepherd - Trump International Golf Links Scotland  
Mark McMurray - CMS Cameron McKenna Nabarro Olswang LLP  
Ann Faulds - CMS Cameron McKenna Nabarro Olswang LLP  
Andy McNair - Douglas & Stewart Ltd  
David Strathdee - Covell Matthews Architects  
Richard Marsh - 4-Consulting  
Ian Ross - Fairhurst Consulting Engineers

**Speakers:** David Milne  
Rohan Beyts  
Bill Harrison  
Robert Menlove  
Valerie Banks

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The Chair, Councillor Davidson, introduced herself and welcomed everyone to the hearing.

### 1. DECLARATION OF MEMBERS' INTERESTS

Members confirmed that they had no interests to declare in terms of the Councillors' Code of Conduct.

### 2. RESOLUTION – STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

### 3. PRE-DETERMINATION HEARING PROCESS

The Chair explained the hearing procedures and it was reiterated that:

- no decision would be made at this meeting,
- a report, incorporating the notes of the Hearing would be presented to the Formartine Area,
- the Area Committee would forward a view on the application to the Aberdeenshire Council for its consideration and Full Council would then determine the application.

The Chair advised that seven requests to speak had been submitted in advance of the meeting. Speakers were allowed up to maximum of 10 minutes and they were advised to focus their comments on views they had already expressed in writing. All parties who made a valid request to speak were invited to attend the hearing. Two speakers were not present at the hearing.

The Chair then asked whether any other consultees or members of the public, who had previously submitted a valid written representation, wished to speak. No intimations were made.



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### 4. Reference no APP/2018/1814

**ERECTION OF 550 DWELLINGHOUSES (UP TO 500 RESIDENTIAL UNITS AND A MINIMUM OF 50 LEISURE/RESORT UNITS), COMMUNITY FACILITIES (CLASS 10 NON-RESIDENTIAL INSTITUTIONS AND CLASS 11 ASSEMBLY AND LEISURE), DEVELOPMENT FALLING WITHIN CLASS 1 (SHOPS), CLASS 2 (FINANCIAL, PROFESSIONAL AND OTHER SERVICES), CLASS 3 (FOOD AND DRINK), LANDSCAPING AND SUPPORTING INFRASTRUCTURE**

**LAND AT MENIE ESTATE BALMEDIE ABERDEENSHIRE AB23 8YE**

A site visit was held prior to the hearing and a PowerPoint presentation was provided during the hearing which included plans of the site, housetypes, location of the new junction (A90), and footage of the site.

1. The Chair introduced the Senior Planner, Ann Ramsay who provided the following information:

The Senior Planner explained that the Pre-Determination Hearing had been called to outline and highlight the main considerations with the application under consideration.

The Senior Planner confirmed the description of the development and proposed Chapters. Chapter 1A of the application consists of 85 dwelling houses, with a mixture of detached cottages, detached country houses, townhouses and villas. The accommodation mix includes 24 x 2 bed houses, 28 x 3 bed houses, 26 x 4 bed houses and 7 x 5 bed houses; it was highlighted that 5 of the 2 bed houses are to be used by the hotel as lodges. Chapter 1B consists of 2 x 8 suite lodges, 27 worker apartments, retail, office, gym and fitness centre and a town hall alongside parking and open space. Full details of these chapters have been submitted notwithstanding that the application is Planning Permission in Principle.

The Senior Planner stated that a total of 2921 valid representations (2918 objections and 3 support) had been received. That did not include multiple representations from the same household which equated to 3004 letters in total. One of the objections was a petition containing 18,722 names.

The Senior Planner also advised that an amended Drainage Assessment had been submitted and passed to SEPA and the Flood Risk Team for comments. Any comments received will be included within the report for the Formartine Area Committee. The Senior Planner noted that a Proposal of Application Notice, alongside a EIA Screening Opinion has been carried out, adding that the proposed development, by virtue of its characteristics of the potential impact, was not considered to have a significant environmental effect. It was therefore the opinion of Aberdeenshire Council as Planning

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Authority that the proposed development did not constitute 'EIA development' under the terms of the EIA regulations.

Thereafter the Senior Planner explained that within the Aberdeenshire Local Development Plan 2017 (LDP), the application site was located within a designated site, known as OP3: Menie, within the Balmedie settlement statement. The text within the OP3 allocation stated that Phase 1 must be complete before the construction of any private housing and Phase 2 of the development should alternate resort development with residential development to deliver the first tranche of homes only after the first block of holiday apartments were completed. In addition, it was highlighted that the settlement statement requires that all residential development must contribute to a new health centre at Balmedie, however both NHS and Developer Obligations are seeking contributions towards a new Health Facility in Ellon. The Senior Planner also mentioned the consultation responses listed in the report (4.1 – 4.24).

The Senior Planner highlighted the key points to consider within the application (as listed in paragraph 6.47 of the report) – departure from the Local Development Plan, impact on existing and proposed roads network, impact on the water supply, drainage and flood risk etc.

### Questions

Councillor Taylor asked about developer obligations in respect to medical facilities and whether contributions could be sought towards both Balmedie and Ellon.

Paul Macari, Principal Developer Obligations Officer, explained that NHS Grampian would require developer obligations to contribute towards a new health facility within Ellon but that the issue could be raised again with the NHS.

Councillor Johnston commented that there was currently no medical practice in Balmedie, with people using Scotstown Medical Practice in Bridge of Don and queried whether this affected the NHS request for contributions towards facilities and how current patients would be affected.

The Principal Developer Obligations Officer responded that NHS would be asked for feedback before the next Area Committee but stated that developer obligations secured in Aberdeenshire would be used in Aberdeenshire.

Councillor Stirling queried how recently Developer Obligations officers had had conversations with NHS and suggested that Developer Obligations Team go back to them for further discussion as the NHS North Corridor project may have an impact on the issue.

Councillor Kloppert asked about the location of Phase 1A of the application. The Senior Planner responded that it was situated in the area where the trees were next to the lake and showed the photo of the location on the PowerPoint presentation.

Councillor Forsyth asked about the location of electricity infrastructure and the proposed pumping station. The Senior Planner confirmed that Scottish Water had no objection but the details of the location had not been confirmed yet. In relation to electricity, she indicated that this would not be dealt with by the Planning Service.

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Councillor Thomson made reference to the original Outline Planning Permission for the resort development, approved by Scottish Ministers and requested the provision of a detailed breakdown of the conditions attached to Phase 1, together with an officer's opinion on whether these had been fulfilled or were no longer deemed necessary to be fulfilled.

The Senior Solicitor indicated that this could be reported back to future meetings.

Councillor Kille asked for an update on the Tree Survey Report as the report stated that the Tree Survey Drawings did not have a key and the titles were unclear. The Senior Planner confirmed that the Planning Service had requested further information but had not yet received an updated survey.

As there were no further questions, the Chair thanked Ms Ramsay for her presentation.

2. The representatives of the applicant requested additional time to speak and were asked to explain the reasons for that. Ms Faulds said that due to the number of objectors who would be speaking at the hearing and the number of issues they were going to raise; the additional time was required to ensure fairness. She also added that the applicant had a right of reply to the objectors. The parties present at the hearing were asked by the Chair to approve additional time to speak by voting. A vote was taken by counting the raised hands of the parties and the majority was in favour of providing additional time for presentation.

The Chair introduced the representatives of the applicant, Ms Ann Faulds and Mr Mark McMurray, CMS Cameron McKenna Nabarro Olswang LLP, whose statement is summarised below:

Ms Faulds stated that since Outline Planning Permission had been granted in 2008, Trump International Golf Links Scotland had consistently pursued its vision to create the world's best golf course on the Trump Estate. The development of the Championship Golf Course and all its supporting infrastructure, the construction of the clubhouse and the refurbishment of MacLeod House and Lodges as five star hotel accommodation had been completed as the initial phase of the project.

That was after a planning process involving a public inquiry, Parliamentary hearings and legal challenges from objectors which were defended in the Court of Session. In addition to those procedural delays, a number of issues had affected the economic climate since 2008 - the global banking crisis and the downturn in the oil and gas sector. The location of the offshore wind farm did not help as well. Ms Faulds said the application should be considered and determined according to the circumstances which apply today, not as they were in 2008. She also added that despite these challenges, the vision for the resort remained the same and the applicant had continued their investment in Aberdeenshire and elsewhere in Scotland despite a planning process that had delayed investment at Menie.

Ms Faulds then briefly explained the proposal which represented the next phase of development for the Trump Estate, in that it would secure further inward investment, support local and national objectives to promote tourism, support the Council's objectives

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for the Strategic Growth Area, stimulate economic growth in a challenging period and deliver high quality homes for the local housing market. All of the elements of the development were within the Outline Planning Permission and the site allocation as part of the local development plan, therefore the principle of the development was acceptable. The issues which were taken into consideration as part of the application were the change of phasing for delivery of the overall project and the detailed design.

Ms Faulds addressed both issues by stating that the changes in economic climate meant that the phasing proposed in the original Outline Planning Permission was not economically viable. The applicant had worked to formulate an alternative proposal that would deliver the continued investment in the Estate which the SDP and LDP identified as being important to the Strategic Growth Area. The application represented the opportunity to deliver that continued investment that would help to improve the regional economy's ability to diversify and grow tourism.

Also noting that the current proposal would sustain the operation of the Championship Golf Course and importantly, sustain the jobs of the Estate staff who were at the hearing. It was also the proposal that would deliver the economic benefits that could be secured in the market.

Mr Faulds also mentioned the opposition and 3,000 letters of objection from across the UK – through an organised campaign. She asked how many of them related to the identity of the applicant and added that the applicant's identity was not relevant to a planning determination.

Thereafter Mr McNair, Douglas & Stewart Ltd, briefly outlined the design of the development and that the applicant wanted to create a new village and that all the houses and facilities would be built to very high standards. Also highlighting the diversity of the accommodation - 27 key worker apartments could be considered as affordable housing. Mr McNair added that the design concept had been inspired by local urban settlements like Chapelton and Monymusk as well as mentioning the positive responses and 350 notes of interest in purchasing the houses received after the 2 day pre-application consultation event.

### Questions

Councillor Johnston asked whether the health facilities proposed at Ellon would mitigate for the residents of the development. Ms Faulds and Mr McMurray said that their client would be interested in having a health facility within the development but the matter was a decision for NHS Grampian.

Councillor Forsyth asked about the position of a pumping station for sewage and an electricity sub station. Mr McMurray said this was a work in progress and details couldn't be confirmed at that stage.

Councillor Taylor asked whether the applicant was going to maintain the roads in perpetuity or would Aberdeenshire Council be expected to adopt them in the course of time. Mr Ian Ross, *Fairhurst* Consulting Engineers, confirmed that the existing access and all new roads would be provided up to adoptable standards and discussions would then take place with Aberdeenshire Council as to the potential of adoption. Ms Faulds

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added that, under legislation, there was provision for adoption of roads and Aberdeenshire Council would be aware of that.

As there were no further questions, the Chair thanked the applicant's representatives for their presentation.

3. The Chair introduced Mr David Milne, whose statement is summarised below:

Mr Milne requested to speak also on behalf of Mrs Moira Milne. The first point raised was that the original planning permission approval had had several phases built into it as requirements for the next stage to progress. In his opinion, none of these had been met and as such was a valid reason for refusal of the application.

Mr Milne stated, in his opinion, the application sought to avoid all the approved conditions and allow the building of housing and remove the incentive to develop the resort in phases as agreed. As well as adding that, in his opinion, the golf course had reduced tourism in the area. Mr Milne highlighted that the site was located within the Energetica Corridor which sought development to keep to a design and sustainability vision and that the application didn't meet that criteria.

Mr Milne also stated that a proposal didn't contain adequate proposals for the infrastructure needed to support a development of that size and that the new proposal tried to renegotiate or avoid the agreed infrastructure associated with that significant development. The proposal failed to include the required grade separated junction on the new Balmedie to Tippetty dual carriageway and that the development would inflict heavy traffic in Balmedie. The lack of affordable housing was in direct breach of Scottish Government Scottish Planning Policy.

### Questions

Councillor Hood asked about a grade separated junction. Mr Milne responded that the A90 grade separated junction had been proposed in the first scheme but the applicant had refused to incur the costs. At the moment all traffic to that site would need to be directed through Balmedie. Mr Ian Ross, *Fairhurst* Consulting Engineers, advised that the grade separated junction had been considered as a part of the application but there was no requirement for a grade separated junction. The proposal seeks to provide a roundabout.

Thereafter, Mr Peter MacCallum, Roads Development Manager was asked for further clarification who confirmed that his Team was currently working through the details of the Transport Impact Assessment and had submitted a holding objection pending the supply of further information including trip generation.

As there were no further questions, the Chair thanked Mr Milne for his presentation.

4. The Chair introduced Ms Rohan Beyts, whose statement is summarised below:

Ms Beyts said that the approval for the Trump development in the original proposal had been on condition of strict phasing, with emphasis on the residential element being the last phase of the development when all other elements had been delivered so the

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economic benefits would be felt, and the current application overturned this. Also mentioning the massive economic benefits that were expected 10 years ago. The current application not being a development of national importance and delivering a much reduced estimate in terms of employment in comparison to the original application.

Ms Beyts said that the environmental assessment was limited and missed a number of species. The application would damage to the environment including ancient woodland.

Ms Beyts added that the application should be rejected as it did not conform to the 2006 Outline Planning Permission nor the OP3 application in the Aberdeenshire Local Development Plan 2017, which had only been approved the previous year after the economic downturn which the applicant is using as justification. Also adding that the design of the proposed housing scheme didn't reflect the innovation and sustainability.

As there were no questions, the Chair thanked Ms Beyts for her presentation.

### 5. The Chair introduced Mr Bill Harrison, whose statement is summarised below:

Mr Harrison objected to the application in that it was not consistent with the approved Menie Masterplan and the Aberdeenshire Local Development Plan 2017 with regards to the site OP3 (Menie).

Mr Harrison quoted the Examination Report with regards to the Aberdeenshire Local Development Plan which stated that the consent issued on 16 December 2008 had been granted for reasons based on the future social and economic benefits of the proposed development and the allocation did not offer or imply any support for alternative development proposals that would have deviated away from the consented scheme including the conditions and section 75 agreement that formed part of the outline planning permission.

Mr Harrison added that the masterplan had been approved by Aberdeenshire Council as a part of planning application APP/2010/0423 and Phase 2 of the development should have alternated resort development with residential development to deliver the first tranche of homes only after the first block of holiday apartments were completed. The holiday apartments and villas were both to be occupied on a holiday letting or fractional ownership basis. Mr Harrison said that the approved masterplan clearly stated that construction of holiday apartments and tranches of 100 houses must alternate. The current application made no mention of the holiday apartments. Mr Harrison commented that the present application would be more profitable for the applicant but that cannot override the masterplan conditions, which had been put in place to ensure that the predicted social and economic benefits of the development would be attained.

There were no questions, so the Chair thanked Mr Harrison for his presentation.

### 6. The Chair introduced Mr Robert Menlove, whose statement is summarised below:

Mr Menlove said he stayed north of Menie Estate and mentioned that he fully agreed with the comments made by preceding speakers by highlighting that the proposed development was in breach of the planning conditions and section 75 agreement of the

## APPENDIX 4

original outline planning permission. The original planning permission granted in December 2008 had permitted the development of 500 homes to help to fund the development of the rest of the resort and had included strict conditions in order to ensure that the development of the 500 homes could only go ahead in return for the claimed economic and social benefits. In his opinion, the developer wanted to proceed with housing only before meeting their obligations to develop the rest of the resort and bring the promised benefits to the region.

Mr Menlove said that the proposed development was not in accordance with the Settlement Statement in the Aberdeenshire Local Development Plan 2017, Balmedie Site OP3 and that the proposed development made no provision for affordable housing. The proposed bedsits or key worker apartments did not meet the requirements for affordable housing because they would be not open-market housing, but tied accommodation to the resort. They were also too small and inadequate for young families.

Mr Menlove focused on the destruction of ancient woodland and other areas of mature trees and hedgerows and referenced the latest report prepared by United Nations IPCC (The Intergovernmental Panel on Climate Change) on climate change. Also stating that the protection of Scotland's natural environment was even more important.

Mr Menlove highlighted that the holiday lodges were located in close proximity to the listed building which would change the setting of the building and no mitigation or alternative locations are proposed.

Mr Menlove also mentioned that the proposed development failed to properly estimate and address the huge increase of traffic, not only supply and service vehicles but also the residents' journeys by car. The initial outline planning permission required a grade separate junction with the new A90 dual carriageway. Failure to address that condition with the recent closure of the north Balmedie junction as part of the A90 dualling, would impose a burden of traffic upon the old A90 through Balmedie to the new junction at the south of the village.

Mr Menlove finds that the current application undermines the masterplan process and there is no justification for 500 houses.

### Questions:

Councillor Findlater asked if Mr Menlove had any more information on the destruction of ancient woodland. Mr Menlove explained that he only had the details from the applicant's tree survey documents and added that the development would have significant impact on loss of mature woodland on site.

Ms Eleanor Munro, Environmental Planner, added that this part of Menie Estate was included in the Scottish Natural Heritage Ancient Woodland Inventory and the trees were classified as Long Established Plantation Origin, albeit they had been planted 100s of years ago. The Senior Planner added that the Forestry Commission had been consulted and also identified the woodland as Long Established Planation Origin.

Councillor Stirling asked about the comment on the status of the Masterplan and affordable housing. The Senior Planner explained that a Masterplan was approved in 2010 and would be a material consideration in the assessment and determination of this

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application. Ms Elaine Reid, Team Leader, Housing, added that in line with the original application, the Housing Service was seeking to secure commuted payments in order to address local housing need.

Councillor Forsyth asked about the key worker affordable apartments. Ms Elaine Reid clarified that the developer proposes to use the 27 key workers units as a contribution towards affordable housing. The Senior Planner added that the Housing Service would require further details of this element before that could be considered as an affordable housing contribution and that conversations were ongoing.

There were no further questions so the Chair thanked Mr Menlove for his presentation.

### 7. The Chair introduced Ms Valerie Banks, whose statement is summarised below:

Ms Banks objected to the application on both general and personal grounds by stating that the original proposal was approved by Scottish Ministers with conditions that the profitable open housing was delivered after completion of 2 golf courses, clubhouse, golf academy etc, a 450-bedroom hotel with conference centre and spa, and 36 golf villas. The housing elements were then to be phased alongside holiday apartments, with completion of each block of 100 holiday units prompting the permission to build 100 houses for sale. Ms Banks said that the application sought to avoid the conditions and agreements of the original planning permission, bringing the building of mainstream housing first and removing the incentive to develop the resort in phases. It also replaced the existing Masterplan which had been agreed with Aberdeenshire Council in 2010.

Ms Banks said that in the original application, the applicant promised an economic benefit but, in her opinion, the figures given were not clear and a departure from the Masterplan was a minimum benefit for the local economy.

Ms Banks said she had lived on estate for the past 35 years and bought the property in the countryside to enjoy the access to the paths and tracks through the woodland and the views from the house and garden. In her opinion the development proposed has poor quality design and layout and would have an impact on the loss of woodland and damaging impact on the visual landscape.

Ms Banks highlighted that there would be an adverse impact on infrastructure and services in that there is a lack of healthcare in the area. Also, that traffic generated would be routed through Balmedie. Again as previous speakers noted, highlighting the requirement for the grade separated junction.

Ms Banks also added that the traffic on old A90 passing her house would increase again after it decreased since the new Balmedie – Tippetty dual carriage way was opened and highlighted that it had encouraged pedestrians and cyclists to use that quiet road.

There were no questions so the Chair thanked Ms Banks for her presentation.

### 8. The Chair asked the Councillors, speakers, and wider audience if they were satisfied with the way in which the Hearing had been conducted and all indicated that they were. The Chair thanked everyone present for their attendance and closed the Hearing.



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Appendix 7: Belhelvie Community Council Response

**BELHELVIE COMMUNITY COUNCIL**  
**Planning Reporter**  
**Terrapin House, Balmedie**  
**[ianadownie@btinternet.com](mailto:ianadownie@btinternet.com)**

For the attention of Ms Ann Ramsay  
Planning and Building Standards  
Infrastructure Services  
Aberdeenshire Council  
45 Bridge Street  
Ellon  
AB41 9AA

8th October 2018

Dear Ms Ramsay

**PROPOSED ERECTION OF 550 DWELLINGHOUSES, COMMUNITY FACILITIES,  
DEVELOPMENT FALLING WITHIN CLASS 1, CLASS 2, CLASS 3, LANDSCAPING  
AND SUPPORTING INFRASTRUCTURE at MENIE ESTATE, BALMEDIE  
APPLICATION REFERENCE: APP/2018/1814**

Belhelvie Community Council met, specifically, on the 3rd October 2018 to consider the above planning application and to formulate a response that was comprehensive and representative of the views expressed by all Community Council Members.

The approach adopted during the consideration of the proposal was to determine, in the first instance, whether the proposal was compliant with the relevant provisions of the local development plan. In that regard it was concluded that the proposal was substantially non compliant with the relevant provisions of the local development plan. Consideration was then given to any material considerations that might outweigh the non compliance of the proposal with the relevant provisions of the local development plan and thereby justify an exceptional approval as a departure from the plan. Again, the unanimous view of the Members of the Community Council was that there were no material considerations of sufficient substance to justify an exceptional approval of a non compliant proposal as an a departure from the recently adopted Local Development Plan. A reasoned justification is given below based upon the historical context of the Menie development.

Scottish Ministers, in issuing a highly conditioned outline planning consent after a lengthy public inquiry, determined that the prior delivery of a 450 bedroom resort hotel and staff accommodation for 400 employees was the material consideration which justified the granting of permission for the subsequent erection of no more than 500 houses. In addition, and after the completion of the hotel and staff accommodation, a new grade

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separated junction to service the whole Menie development had to be constructed on the recently completed Balmedie to Tippetty dual carriageway.

The outline consent and associated Section 75 Agreement contained phasing constraints to ensure that the World Class Golf Destination Resort development was delivered as promised by the promoter and developer during the Public Inquiry and only thereafter would the developer be entitled or permitted to commence work on the housing element of the proposal. In addition the developer was required to meet developer obligations including the provision of a primary school, community facility contributions of approximately £500,000 and 150 affordable houses.

The outline planning consent issued by Scottish Ministers was specifically conditioned to require the submission of a substantial amount of additional information in the form of reserved matters applications for the consideration of and approval by Aberdeenshire Council. The outline planning consent was also specifically conditioned to prohibit any work approved by Scottish Ministers commencing on site prior to the approval of all of the reserved matters. Scottish Ministers imposed a deadline for the submission of all of the reserved matters applications by no later than 15th December 2011.

The developer failed to submit reserved matters applications in respect of numerous conditions imposed by Scottish Ministers and the outline consent duly lapsed on the 15th December 2011. As a consequence the Section 75 Agreement and all of the conditions annexed to the outline consent ceased to be enforceable by the Planning Authority from that date onwards.

What has happened on the Menie Estate to date is unrelated to and not sanctioned by the outline planning consent issued by Scottish Ministers. In 2016 a Reporter appointed by Scottish Ministers reimposed the requirement that the conditions annexed to the outline planning consent issued by Scottish Ministers and the obligations contained within the associated Section 75 Agreement had to be met to secure development plan support for any further development of the OP3 site in the adopted local development plan.

This latest stand alone application is premature in terms of the relevant policy statement contained within the Local Development Plan. Those outstanding reserved matters conditions require to be addressed before the possibility of any further development can secure the support of the development plan to warrant an approval of a development proposal. The demise of the 450 bedroom resort hotel and the staff accommodation are acknowledged and this change in the development proposal should be ratified in the first instance by appropriate planning applications to ensure that the principle of development on this site can be reinstated and appropriate adjustments made to the Section 75 Agreement.

As the application stands it fails to comply in part or in whole with Conditions 2,3,4,5,6,7,11,12,14,15,16, 20, 23, 24,25,26,27,28,29,30,31,34,35,36,37(potentially), 38 (potentially), 39,42,43 and 46. In the absence of the ability to determine exactly what the developer's overall intentions as far as the ultimate development of this site the premature approval of further piecemeal applications would contravene the Local Development Plan OP3 allocation statement.

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As the application stands it fails to comply with the approved masterplan thus contravening Policy P1. One of the many serious concerns of the Community Council is the failure of the proposal to include the required grade separated junction on the new Balmedie to Tippetty dual carriageway.

When the masterplan was approved by FAC it clearly indicated the required grade separated junction which Scottish Ministers stipulated should be in place prior to the commencement of any residential development on the site. When the stand alone championship golf course application was under consideration by FAC in June 2011 concerns were raised regarding the delivery of the remainder of the development including the hotel and staff accommodation.

An indicative timetable was submitted to FAC by the applicant which indicated that construction on the hotel was to commence in Quarter 1 of 2013 with completion in Quarter 4 in 2015. While this information was clearly false and misleading had it been accurate it would have meant that all construction traffic for the hotel and staff accommodation would have bypassed Balmedie altogether and entered the site directly from what was then the old A 90. Had the timetable been followed then the subsequent housing development would have been held back with commencement delayed until quite recently when the grade separated junction at the Orrock crossing would have been operational in compliance with the outline planning consent and Section 75 Agreement.

At no time did Scottish Ministers, Transport Scotland, Aberdeenshire Council or the local community sanction or support the access arrangement now proposed purely to avoid the cost of providing the grade separated junction deemed essential by Scottish Ministers. The Old Road through Balmedie is incapable of accommodating the prospect of up to ten years of constant construction traffic and between 450 - 500 vehicle movements from residents during the peak morning and evening hours.

The TIA provided in support of the application negligently fails to acknowledge that the old A 90 road through Balmedie was never potentially exposed to such substantially adverse traffic impacts by the provisions of the outline planning consent or the Section 75 Agreement. The hotel development was never to be accessed through Balmedie but directly from the old A 90 at Menie. There are absolutely no mitigating material considerations that would warrant the imposition of such an adverse environmental impact from this excessive level of traffic generation on the amenity of the residents of Balmedie for the foreseeable future.

Approval of such an unacceptable access arrangement in circumstances where the planning authority has no inkling as to the ultimate level of development that might come forward on this site would be grossly incompetent not least because it would provide a precedent to utilise the access for major golf tournaments which could attract upwards of 25,000 visitors to the Menie estate all accessing the site through the village of Balmedie.

The assertion that this scheme is the latest phase of the developer's inwards investment to Scotland and that is a material consideration that would warrant approval of the application as a departure from the Local development Plan should be treated with the contempt it so obviously deserves. The investment in the proposed housing stock from the 400 noted local interests alleged to exist by the developer's representative will take the form of locally obtained mortgages or local purchasers' capital. The only international

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financial element in the equation will be the repatriation of the development profit to the USA.

The design of the individual buildings indicated in the application is a matter of concern. The proposed Town Hall has been described aesthetically as 'Disneyland meets Legoland'. This type of approach to the design of the development contravenes the requirement within the Energetica Corridor of achieving the highest standards of design.

As the application currently stands Belhelvie Community Council is unanimously opposed to its approval for the reasons provided above.

However, The BCC does acknowledge that economic circumstances have changed over the past decade and that the resort hotel if indeed it ever was a genuine proposal is no longer financially viable. It is also acknowledged that the site lies in the Energetica corridor and could contribute to the delivery of some 500 houses but not at any cost.

BCC would readily support the 500 house proposal but only on the basis that the Planning Authority ensures that any planning consent issued in respect of an application for 500 houses is conditioned and subject to a Section 75 Agreement to secure the following safeguards:

1. The grade separated junction on the A 90 Balmedie - Tippetty dual carriageway must be constructed and operational prior to the commencement of any works relating to the 500 house development;
2. No construction traffic will be allowed to utilise the old A 90 which runs through Balmedie;
3. Prior to the issuance of any consent in respect of the 500 house development the applicant will prepare and submit a new and revised masterplan for the entire development for the consideration and approval of FAC;
4. Any consent issued in respect of the 500 house development must require the developer to provide the primary school all as specified in the initial Section 75 Agreement entered into by the developer;
5. Any consent issued in respect of the 500 house development must require the developer to make payments towards the provision of community facilities all as detailed in the initial Section 75 Agreement entered into by the developer;
6. Prior to the detailed consideration of the 500 house proposal the developer must enter into a design review process with the Planning Authority and Architecture and Design Scotland. The development, thereafter, shall be carried out in accordance with the approved designs;
7. The developer will provide 150 affordable houses integrated within the Menie development in consultation with the Housing Authority.

Yours sincerely

Ian A Downie  
Planning Reporter  
Belhelvie Community Council

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Appendix 8: Foveran Community Council Response

**From:** [Ann Ramsay](#)  
**To:** [Planning Online](#)  
**Subject:** FW: APP/2018/1814  
**Date:** 08 October 2018 10:31:18

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Please can this be uploaded to the above application.

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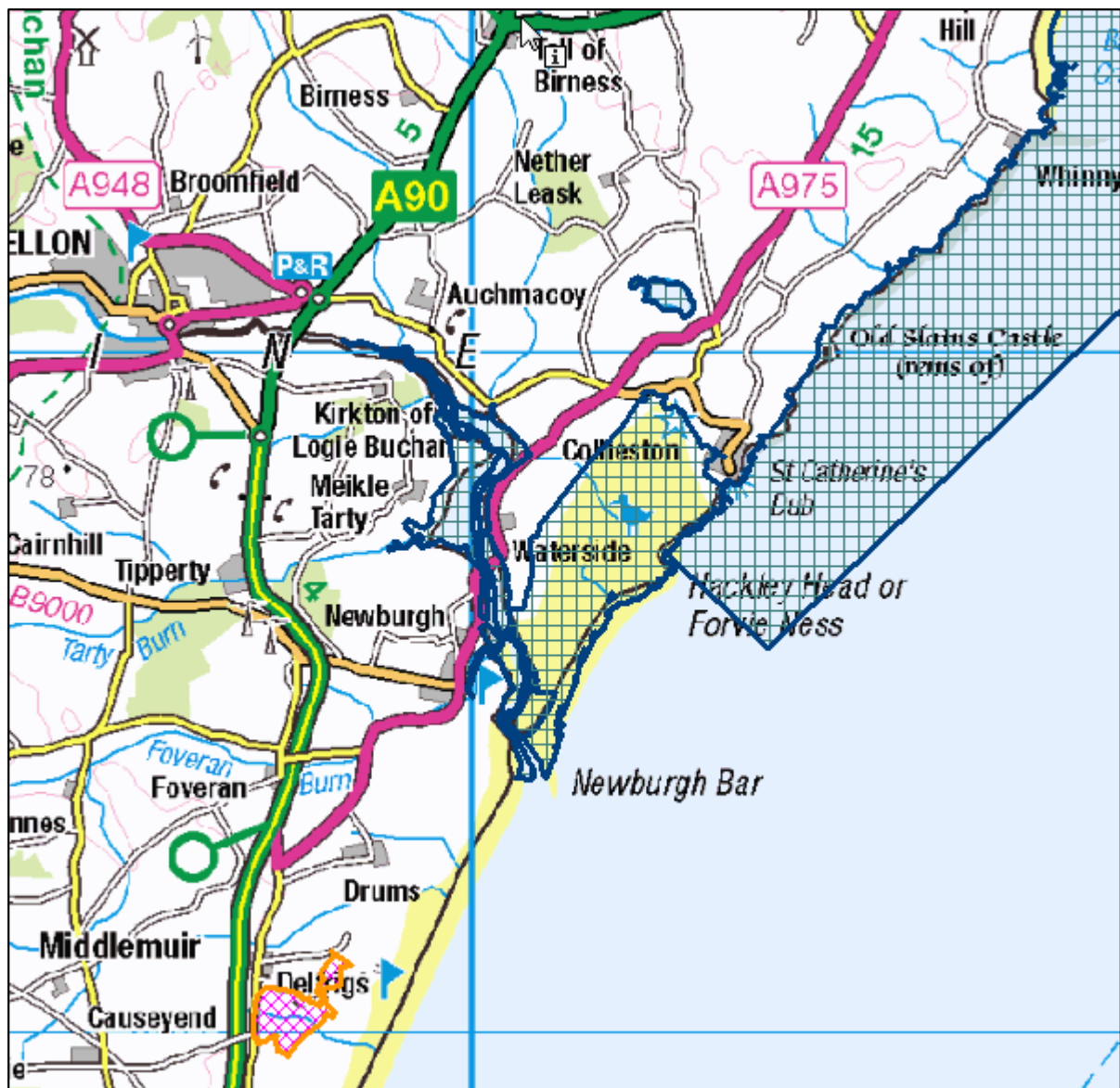
**From:** Glen Douglas  
**Sent:** 08 October 2018 10:30  
**To:** Ann Ramsay  
**Subject:** Re: APP/2018/1814  
Foveran Community Council have no objections to this application  
Regards  
Glen Douglas  
Secretary

Sent from my iPad

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### Appendix 9: Map of Ramsar and Special Protection Area



Ramsar Site Name: Ythan Estuary and Meikle Loch

Special Protection Area Name: Ythan Estuary, Sands of Forvie and Meikle Loch and Buchan Ness to Collinston Coast

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**Appendix 10: Table listing all Consultees and Recommendations**

<b>Consultee</b>	<b>Recommendation</b>
Business Services (Developer Obligations)	No objection
Education & Children's Services (Education)	No objection
Infrastructure Services (Archaeology)	No objection subject to condition
Infrastructure Services (Economic Development)	No objection
Infrastructure Services (Environment - Built Heritage)	No objection subject to strategic planning
Infrastructure Services (Environment – Natural Heritage)	No objection subject to conditions
Infrastructure Services (Environmental Health)	No objection subject to conditions
Infrastructure Services (Flood Risk and Coast Protection)	No objection subject to conditions
Infrastructure Services (Housing)	No objection
Infrastructure Services (Landscape Services)	No objection
Infrastructure Services (Planning Policy)	No objection
Infrastructure Services (Roads Development)	No objection subject to conditions
Strategic Development Planning Authority (SDPA)	No objection
Infrastructure Services (Transportation)	Objection
Infrastructure Services (Waste Management)	No objection
Belhelvie Community Council	Objection
Forestry Commission	No objection subject to conditions
Foveran Community Council	No objection
Historic Environment Scotland (HES)	No objection
National Health Service (NHS)	No objection
Scottish Natural Heritage (SNH)	No objection
Scottish Water	No objection
Scottish Environment Protection Agency (SEPA)	No objection subject to conditions
Transport Scotland	No objection

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## Appendix 11: Balmedie Settlement Statement

### BALMEDIE

#### Vision

Balmedie is a large village located roughly 5km north of Aberdeen, set between the A90 to the west and the North Sea coast to the east. The settlement is characterised by the woodland setting of Balmedie House and the long sand beaches of Balmedie Country Park. Balmedie is a key settlement in both the Energetica area and the Aberdeen to Peterhead strategic growth area (SGA). As such, Balmedie will play an important role in delivering strategic housing and employment allowances. In line with the vision of Energetica, it is expected that new development in Balmedie will contribute to transforming the area into a high quality lifestyle, leisure and global business location. Balmedie is expected to become an increasingly attractive location for development as the Aberdeen Western Peripheral Route reaches completion and decreases commuting times to Aberdeen. It is important that the individual character of the village is retained in the face of increased demand. The village currently has a range of services and facilities, which should be sustained during the period of this plan. In addition, the plan will seek to improve community facilities, including new health care provision.

#### Natural and Historic Environment

To the northeast of Balmedie is the Foveran Links Site of Special Scientific Interest (SSSI). Site OP3 at Menie falls partly within this designated area. The Newburgh to Balmedie Local Nature Conservation Site (LNCS) is to the east of the settlement. The north-east of site OP3 is partially within the Foveran Links SSSI.

#### Settlement Features

##### ***Protected Land***

P1 To conserve the area of open space and sports pitches as part of the green network for the village.

P2 To conserve the woodland setting of the village as part of the green network for the village.

P3 To conserve the area of open space.

P4 To conserve the land around the primary school.

##### ***Reserved Land***

R1 For the route of the A90 trunk road scheme.

R2 For new community facilities, including a health centre.

#### Flood Risk

- Sites R1 and OP1 have a small watercourse running through the site. Site OP3 has historical records of flooding from storm surge. A flood risk assessment may be required to assess bridges and culverts as a possible source of flood risk.

#### Services and Infrastructure

- Strategic transportation: Contributions will be required for cumulative strategic transportation improvements including interventions on the A90 and in Aberdeen City.
- Strategic drainage and water supply: An upgrade to the water supply infrastructure may be required and a water impact assessment may be requested. There is insufficient capacity at Balmedie Waste Water Treatment Works to treat all sites allocated at Balmedie, Belhelvie, Newburgh and Potterton. Scottish Water will initiate a growth project, should demand from



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committed development exceed available capacity.

- Primary education: All residential development must contribute to a new primary school in the catchment area.
- Community facilities: All residential development may be required to contribute towards facilities that serve the community in Balmedie or towards facilities in the wider catchment area at Ellon. These may be identified in the Community Plan or relevant Community Action Plan.
- Sports and recreation facilities: All residential development may be required to contribute to indoor and outdoor sports and learning facilities in Balmedie or towards facilities in the wider catchment area at Ellon. These may be identified in the Community Plan or relevant Community Action Plan.
- Waste and recycling: All development must contribute to a household waste and recycling centre in Balmedie.
- Health facilities: All residential development must contribute to a new health centre at Balmedie, located on the R2 site.
- Open space: If not provided on site, open space contributions from new residential developments should be directed towards improvements of facilities on the Oldmill Crescent Amenity Space, to a new cycle track to the football pitches near the beach with the town, to new green network links between Old Aberdeen Road and Keith Avenue, and also towards new green network links through the beach along the Eigie Burn. There is a need for a burial ground in the settlement.

### Allocated Sites

#### OP3: Menie

**Allocation:** Allocation: Two 18-hole golf courses (a championship links course and a second course); a golf clubhouse, golf academy and ancillary buildings; a driving range and short game practice area; a resort hotel (450 rooms) with conference centre and spa; 36 'golf villas'; accommodation for 400 staff (all of the foregoing comprising 'phase 1'); 950 holiday apartments in four blocks; up to 500 houses and community facilities.

This is a new allocation which has been included because there is an active outline planning permission (under reference APP/2006/4605) for its development as described above. The outline consent issued on 16 December 2008 was granted for exceptional reasons based on the predicted social and economic benefits of the proposed development. This allocation does not therefore offer or imply any support for alternative development proposals that would deviate away from the consented scheme including the conditions and section 75 agreement that form part of the outline consent. A masterplan has been approved by Aberdeenshire Council as part of planning application APP/2010/0423.

The site is environmentally sensitive and the northern part of the site is within the Foveran Links Site of Special Scientific Interest. It will be essential for robust environmental assessments to inform detailed development proposals and to ensure necessary environmental safeguards are in place. Environmental assessments and management plans concluded some years ago may require to be revised, updated, extended or amended.

A detailed phasing plan for the whole site is required. Phase 1 must be complete before the construction of any private housing will be permitted. Phase 2 of the development should alternate resort development with residential development to deliver the first tranche of homes only after the first block of holiday apartments are completed. The holiday apartments and the golf villas are both to be occupied on a holiday letting or fractional ownership basis. A primary school, appropriate community facilities and affordable housing are required, and the timing and means of securing their delivery must be agreed by Aberdeenshire Council. Hard and soft

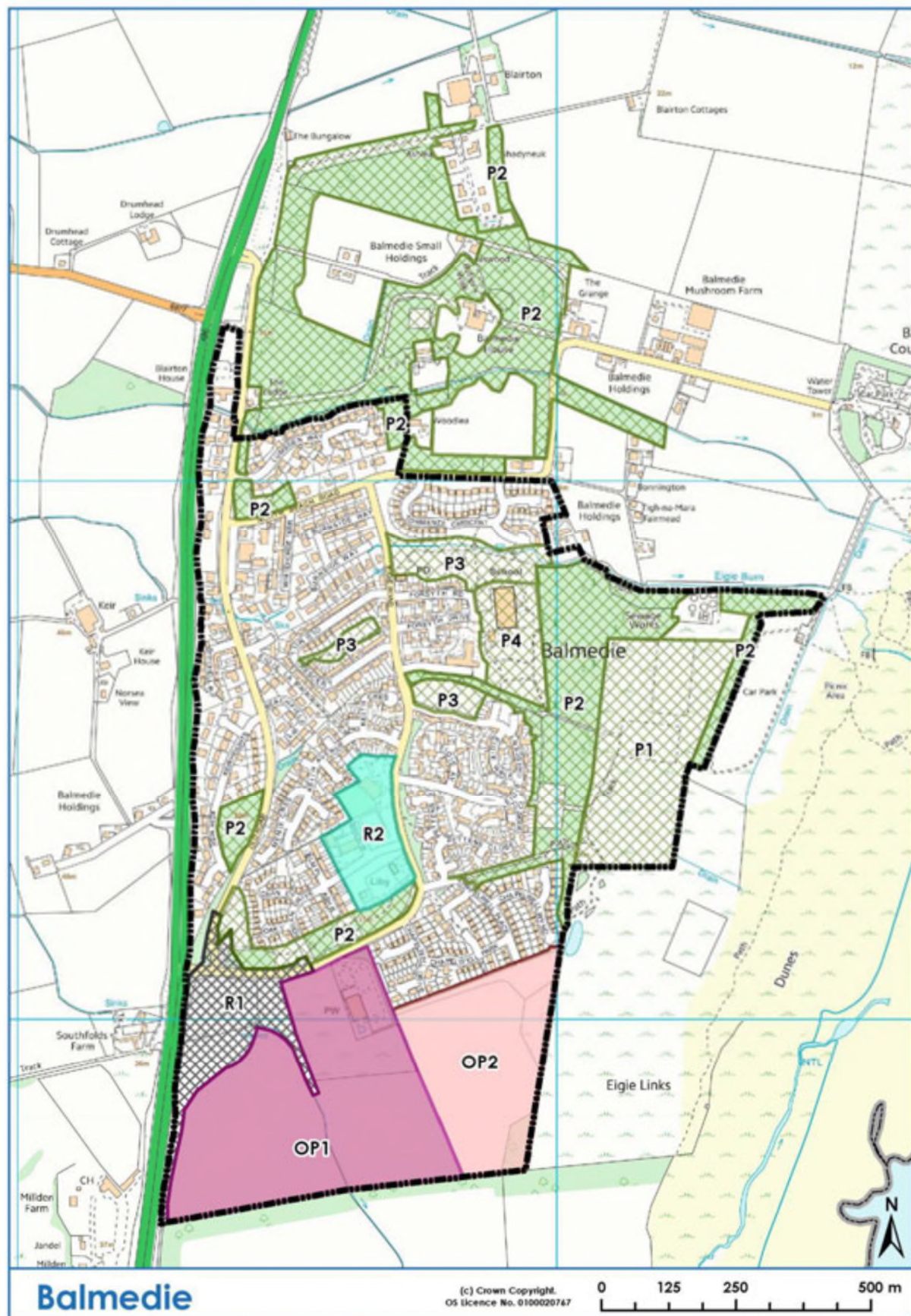
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landscaping schemes are necessary.

A detailed programme of road and transport improvements will be required in regard to all phases of development. Modifications to a number of road junctions in the area will be required in accordance with a transport assessment for the development. The development will need to be supported by a comprehensive travel plan and new or extended bus services must be provided. Beyond phases 1 and 2 a grade separated junction with the A90(T) will be required to be completed before any further development is permitted to be occupied. Access plans are necessary to safeguard public access.

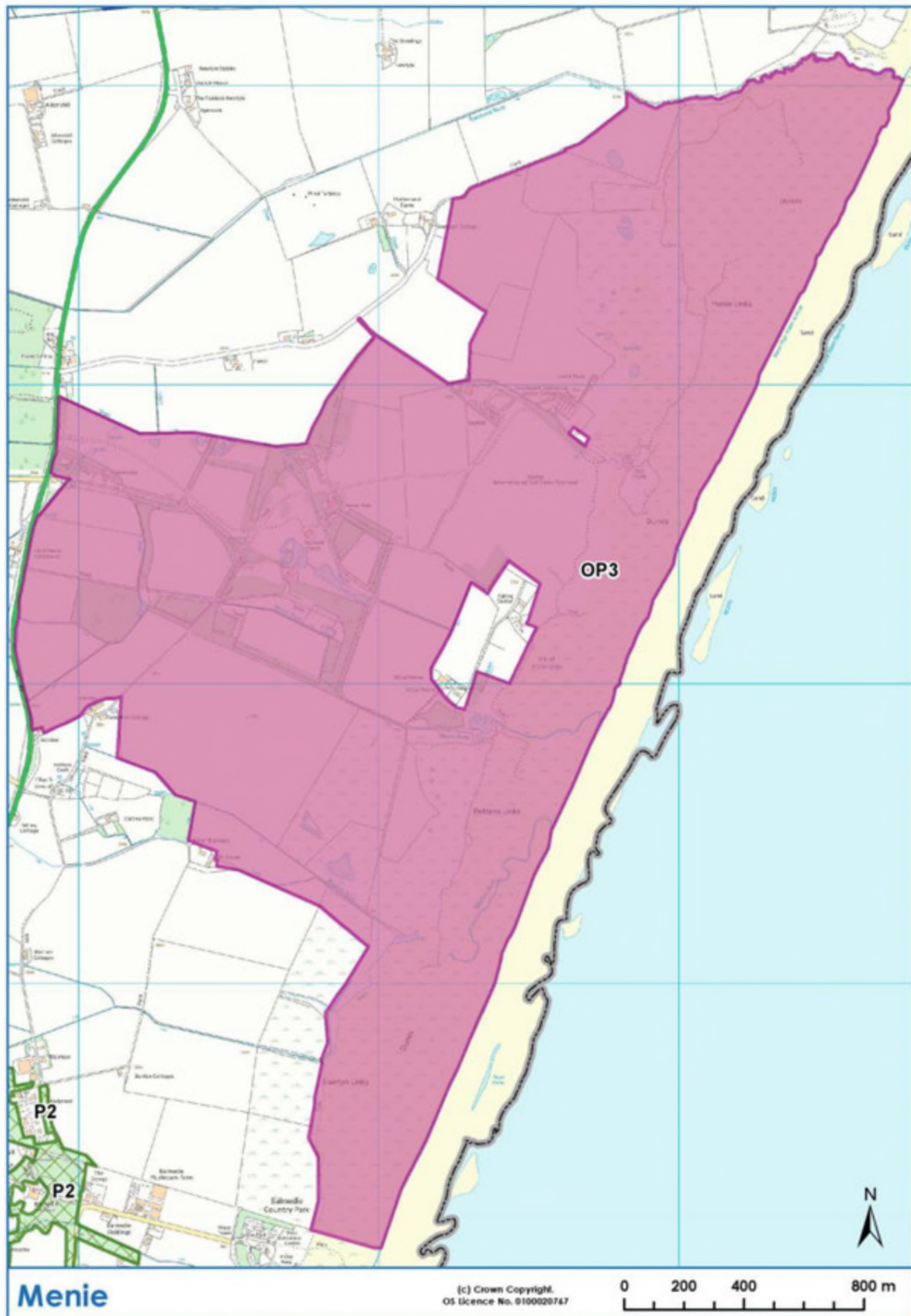
A design review process will be required and Architecture and Design Scotland or the Aberdeen City and Shire Design Review Panel may be asked to participate in this review process. Design briefs and a construction method statement are required.

A development impact assessment for foul drainage and water supply, and a site water management plan is required. A scheme for monitoring, evaluation and mitigation of local water quality must be approved for each stage of the development. Waste management plans will be required. A flood risk assessment may be required.





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Appendix 12: List of OPP Conditions

<b><u>Condition Number</u></b>	<b><u>APP/2006/4605 Conditions</u></b>	<b><u>Discharged</u></b>
1	Application for approval of reserved matters shall be made to the planning authority within 3 years beginning with the date of this outline planning permission.	N/A Explanatory Condition
2	That the development hereby granted shall be begun on or before whichever is the latest of the following two dates: (i) The expiration of five years beginning with the date of the outline planning permission; or (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matters to be approved.	N/A Explanatory Condition
3	No works in connection with the development hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the Reserved Matters) have been submitted to and approved in writing by the Planning Authority. The reserved matters shall include: i. A masterplan for the whole development; ii. Details of all cut and fill operation in the construction of the golf courses; iii. For the championship golf course, a full topographical survey of the site as existing and as proposed, including all engineering works, site levelling and any other works required for the formation of the course; iv. For the remainder of the site, a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing levels and a fixed datum point; v. Full details of the proposed means of disposal of foul and surface water from the development; vi. A phasing plan for the whole site; vii. The siting, design, height and external materials of all buildings or structures; viii. The details of all roads, footpaths and cycleways throughout the development; ix. Details of any screen walls/fencing to be provided; x. Measures to maximise environmental sustainability through design, orientation and planting or any other means, including an Index 21 assessment; and xi. Details of all landscaping, planting and screening associated with the development.	Part Approved  3(i) 3(ii) 3(iii) 3(viii) 3(x) 3(xi)

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4	<p>The masterplan to be submitted under the terms of condition 3 shall include all elements of the proposed development and in addition shall:</p> <ul style="list-style-type: none"> <li>i. Include the provision of appropriate community facilities</li> <li>ii. Identify and safeguard the favoured foraging routes and areas for badgers and connections to their setts: and</li> <li>iii. Safeguard the sites identified for artificial otter holts together with otter foraging routes and areas, and resting places.</li> </ul> <p>In addition, the detailed design and construction methods for the built elements of the development shall implement the advice of the planning authority, in consultation with SNH, in relation to provision for bats and for barn owls.</p>	Approved
5	<p>Prior to the commencement of any works in connection with the development hereby approved (apart from the formation of the championship golf course) and to allow for an appropriate design framework, the developer shall enter into a design review process with the planning authority, in consultation with Architecture and Design Scotland. Once a design has been approved following this process the development shall be carried out in accordance with the approved design.</p>	Requirement to satisfy not triggered
6	<p>Notwithstanding the details on the indicative masterplan (Figure 3.1 of the environmental statement) and prior to the commencement of any works in connection with the area covered by the particular brief (apart from the formation of the championship golf course), two development briefs, as detailed below, shall be prepared for the further approval of the planning authority.</p> <p>The briefs shall specify:</p> <ul style="list-style-type: none"> <li>i. The height and appearance of all new structures;</li> <li>ii. The use of appropriate external materials including walls, fences and boundary enclosures;</li> <li>iii. The surfacing of all new roads, parking areas, cycleways and footpaths;</li> <li>iv. The lighting of all streets and footpaths; and</li> <li>v. The maintenance of all open space and treed areas not included in private house plots.</li> </ul> <p>The briefs shall be prepared for the following areas within the site:</p> <ul style="list-style-type: none"> <li>vi. The areas proposed for private housing for sale; and</li> <li>vii. All other buildings within the development site.</li> </ul> <p>The briefs shall incorporate the outcome of the design review process required under condition 5 above. Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.</p>	Explanatory Condition however Requirement to satisfy not triggered
7	<p>Prior to the start of any work on the site, an agreed construction programme shall accord with the phases outlined below. For the avoidance of doubt, phase 1 of the</p>	Explanatory Condition

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	<p>development comprises the championship golf course, maintenance building, clubhouse, starters hut, caddy shack, practice facilities, driving range, hotel, 36 'golf villas' and staff accommodation and phase 2 of the development comprises the first block of holiday apartments to be completed:</p> <ul style="list-style-type: none"> <li>i. Phase 1 of development must be complete before the start of construction of any of the private houses on site;</li> <li>ii. One of the blocks of holiday apartments (phase 2) shall be completed prior to work commencing on the construction of any private houses;</li> <li>iii. The construction of the second block of holiday apartments shall commence prior to the completion of the 101<sup>st</sup> private house shall be completed prior to work commencing on the construction of the 151<sup>st</sup> private house;</li> <li>iv. The construction of the third block of holiday shall commence prior to the completion of the 201<sup>st</sup> private house and shall be completed prior to work commencing on the construction of the 251<sup>st</sup> private house;</li> <li>v. The construction of the fourth block of holiday apartments shall commence prior to the completion of the 301<sup>st</sup> private house and shall be completed prior to work commencing on the construction of the 401<sup>st</sup> private houses.</li> </ul> <p>Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the planning authority.</p>	
8	<p>No works in connection with the development hereby approved shall take place until such time as bonds have been concluded to the satisfaction of and lodged with the planning authority. The bonds shall be in such terms and of sufficient value to ensure that:</p> <ul style="list-style-type: none"> <li>i. The landscaping works required under condition 29 below can be completed in full.</li> <li>ii. To ensure that any land upon which works have been undertaken to construct the championship golf course can be restored in accordance with a scheme to be agreed by the planning authority in consultation with SNH.</li> </ul>	Explanatory Condition
9	<p>The championship golf course hereby permitted shall be constructed in accordance with the drawing entitled Golf Masterplan, drawn by Hawtree Ltd, dated Feb 2008, submitted as a document to the public inquiry as plan T2, unless otherwise agreed in writing by the planning authority, in consultation with SNH.</p>	Approved
10	<p>No provision shall be made for mechanical/electrical golf buggies to be used on the championship golf course.</p>	Explanatory Condition

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11	<p>Prior to any works commencing in relation to either golf course, an Environmental Management Plan prepared to an industry-recognised standard (either IS400001 or the European standard EMAS) shall be submitted to and approved in writing by the planning authority, following consultation with SNH. The plan shall relate to both the construction and operational phases of the development and shall include full details of:</p> <ul style="list-style-type: none"> <li>i. Methods and areas of stabilisation within the dune systems</li> <li>ii. Routing of the course including reference to tracks, paths and any other ancillary requirements</li> <li>iii. Specification of grass types, vegetation and seed mixes to be used and identification of planting areas</li> <li>iv. Compliance with best practice standards in relation to soil and turf stripping and storage and provision of details on areas for storage</li> <li>v. Identification of areas and methods for translocation of habitats</li> <li>vi. A phasing plan, specifying timing and durations of construction aspects in relation to each course</li> <li>vii. A turf management plan, with full details of fertilisers, herbicides and pesticides, including type, rates of application, duration and method</li> <li>viii. Management of areas of fairway, greens, tees, transition rough and rough, including mowing/grazing regimes, with details of disposal of mown clippings</li> <li>ix. water irrigation and abstraction rates: and</li> <li>x. identification of the proposed number of rounds per annum, by an agreed date per annum for the first 10 years of operation of each course.</li> </ul> <p>The development of each course shall thereafter be undertaken in accordance with its approved Environmental Management Plan, which shall also include a formal reporting and review process.</p>	Approved
12	<p>Prior to the commencement of any works in connection with the development hereby approved, the developer shall submit the terms of reference for an Ecological Clerk(s) of Works for the written approval of the planning authority, following consultation with SNH. Such terms of reference shall include the length of time that the Ecological Clerk(s) of Works shall be appointed. Thereafter the developer shall appoint a suitably qualified Ecological Clerk(s) of Works (to be funded by the developer). The person(s) who is/are appointed shall be approved in writing in advance by the planning authority, in consultation with SNH. Subsequently, the developer shall maintain the appointment of the Ecological Clerk(s) of Works for the site, who shall act in accordance with their approved terms of reference.</p>	Approved



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13	Prior to the commencement of any works in connection with the development hereby permitted, the extent of the coastal dune ridge shall be defined on a plan to be submitted to and approved in writing by the planning authority, in consultation with SNH. Thereafter, the coastal dune ridge, as defined on the approved plan, shall be protected from all works associated with the creation of the golf courses and their future management, and shall remain as such in perpetuity to the satisfaction of the planning authority.	Approved
14	Trees survey shall be carried out and submitted for the consideration and written approval of the planning authority for the area of the championship golf course and for the remainder of the site. In the case of the championship course, the survey shall be submitted prior to the start of work on that part of the site. The other survey shall be submitted prior to the start of work on the remainder of the site. The tree surveys shall identify existing tree species, including and estimation of their height and spread of branches, and plot their location within the site accurately, to the satisfaction of the planning authority. Those trees which is proposed to retain or to fell and remove shall be separately identified. No tree shall be removed without the express consent of the planning authority.	Approved
15	No works shall start on the relevant parts of the site unless the trees to be retained as identified in the surveys to be submitted and approved pursuant to condition 4 above have been protected by suitable fencing in accordance with BS5837 2005 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the planning authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metre of foliage, branches or trunks.	Approved
16	Prior to the commencement of any works in connection with the development hereby permitted and notwithstanding the details on the submitted plans, a plan showing the extent of a buffer zone to be created around the area of ancient woodland shall be submitted to and approved in writing by the planning authority and thereafter no development shall take place within the area so defined.	Approved
17	Prior to commencement of any works on site a plan showing the location of pond PN8 as labelled in the environmental statement and a 20 metre wide protection zone around it shall be submitted to and approved in writing by the planning	Approved

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	authority and thereafter no development shall take place within the area specified.	
18	Prior to the commencement of any works on site a bryophyte survey and mitigation plan(s) shall be submitted to and approved in writing by the planning authority, following consultation with SNH. Once approved, the mitigation plan(s) shall thereafter be complied with.	Approved
19	Prior to the commencement of any works on site and with reference to condition 4 above, management plans for otter and badger shall be submitted to and approved in writing by the planning authority, in consultation with SNH. Thereafter the approved plans shall be complied with during the construction works and during the operation of the golf resort.	Approved
20	Prior to the commencement of any works on site and with reference to condition 4 above, habitat management and enhancement plans, incorporating mitigation and compensatory measures for birds, bats, invertebrates and plants, shall be submitted for the further written approval of the planning authority, in consultation with SNH. For bats, the works on site shall include the felling of any trees, which shall first be surveyed for the presence of bats. Thereafter, the approved plans shall be complied with during the construction works and during the operation of the golf resort.	Approved
21	Prior to the commencement of any development on the site, details of a goose management scheme for pink footed geese shall be submitted to and approved in writing by the planning authority, following consultation with SNH and CAA. The approved scheme shall be implemented in its entirety in accordance with the approved details.	Approved
22	Prior to the commencement of any development on the site, details of mitigation measures to reduce bird disturbance in the Ythan Estuary, Sands of Forvie and Meikle Loch SPA shall be submitted to and approved in writing by the planning authority following consultation with SNH and BAA. Amongst other things, these measures shall compromise: the provision within the application site, or other areas owned or controlled by the developer, of appropriate forms of open space; the improvement of access on the Menie Estate; and the enhancement of the recreational attraction and capacity of existing semi-natural open space on the estate. The measures shall thereafter be implemented in their entirety in accordance with the approved details.	Approved
23	Prior to the submission of any application for reserved matters for any of the buildings, development impact assessments for foul drainage and water supply shall be submitted for the further written approval of the planning authority, in consultation with Scottish Water. Thereafter, no development pursuant to this planning permission shall take	Requirement to satisfy not triggered

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	place until plans indicating all details of: the proposed sewage disposal/drainage facilities; provision for surface water disposal; and the proposed water supply have been submitted to and approved in writing by the planning authority, in consultation with Scottish Water and SEPA.	
24	Site Water management plans for; (a) the championship golf course; and (b) the remainder of the development site; shall be submitted to and approved in writing by the planning authority in consultation with SEPA and SNH. In the case of the championship golf course, the plan shall be submitted and approved prior to the start of work on that part of the site. The other site water management plan shall be submitted and approved prior to the start of work on the remainder of the site. The plans shall include: full details of foul water disposal; the proposed means of disposal of surface water from the development; any water abstraction; and any irrigation. Unless otherwise agreed in writing by the planning authority, surface water shall be disposed of via the use of sustainable urban drainage systems. Once approved, the works shall be implemented in accordance with the agreed plans.	Part Approved  4(a)
25	Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant the details of which shall be submitted to and approved in writing by the planning authority in consultation with Scottish Water, and thereafter complied with.	Requirement to satisfy not triggered
26	Details of the location and configuration of all sustainable urban drainage systems to be provided on the site and the arrangements for the maintenance thereof, shall be submitted and approved in writing by the planning authority, in consultation with SEPA and Scottish Water. In the case of the championship golf course, the details shall be submitted and approved prior to the start of work on that part of the site. Details for the remainder of the site shall be submitted and approved prior to the start of work on the remainder of the site.	Approved
27	Where any watercourse crossings are required, watercourses will be bridged and not culverted. No part of the bridge structure shall lie within the banks or bed of the watercourse. Details of the proposed water crossings shall be submitted as part of the reserved matters application(s).	Approved
28	Prior to the commencement of any development, a scheme for monitoring, evaluation and mitigation measures in relation to local water quality shall be submitted to and approved in writing by the planning authority, following consultation with SEPA. Once approved, these measures shall be complied with during construction works and the operation of the golf resort.	Approved

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29	<p>Schemes of hard and soft landscaping works shall be submitted to and approved in writing by the planning authority. In the case of the area covered by the championship golf course, the scheme for that area shall be submitted and approved before works start on that part of the site. In the case of the rest of the development area, the scheme for the whole remaining area shall be submitted and approved before any work starts on any part of the rest of the site. The landscape schemes shall be linked to the agreed phasing plan submitted and approved pursuant to condition 7 above.</p> <p>Details of the schemes shall include:</p> <ul style="list-style-type: none"> <li>i. existing and proposed finished ground levels relative to a fixed datum point;</li> <li>ii. existing landscape features and vegetation to be retained;</li> <li>iii. existing and proposed services including cables, pipelines and substations;</li> <li>iv. the location of new trees, shrubs, hedges, grassed areas and water features;</li> <li>v. a schedule of plants to comprise species, plant sizes and proposed numbers and density;</li> <li>vi. the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;</li> <li>vii. an indication of existing trees, shrubs and hedges to be removed</li> <li>viii. a programme for the completion and subsequent maintenance of the proposed landscaping.</li> </ul> <p>All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the planning authority.</p> <p>Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants or similar size and species to those originally required to be planted.</p>	Approved
30	<p>No works in connection with the development hereby approved (with the exception of the championship golf course) shall take place unless details of the location and nature of public open space to be provided within the development as a whole, and the arrangements for the maintenance thereof, have been submitted to and approved in writing by the planning authority.</p>	Requirement to satisfy not triggered

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31	<p>As part of the masterplanning exercise required by condition 3(i), a plan shall be submitted to and approved in writing by the planning authority, in consultation with the relevant recreational and community interests, which sets out both the broad approach and details of how the developer will meet its obligations under Section 3 of the Land Reform (Scotland) Act 2003. This plan shall ensure that public rights of access are maintained over the development area in accordance with that Act.</p> <p>In particular, the plan shall:</p> <ul style="list-style-type: none"> <li>i. describe action to compensate for losses arising from conversion of land to golf course use</li> <li>ii. describe how existing routes across the sites used by the public at present will be affected and how they will be retained or replaced</li> <li>iii. integrate provision for access across all sectors of the public who are participating in open-air recreation – those at the resort, the visiting public and local residents;</li> <li>iv. show any routes proposed for promoted public access, and provide details on how these routes will be constructed and implemented</li> <li>v. provide details of how cyclists, horse riders and all ability use will be accommodated;</li> <li>vi. provide details and specifications for the provision of ancillary facilities such as parking, information boards and way-marking;</li> <li>vii. provide details of a maintenance regime for the foregoing, including a mechanism for liaison over access with the local authorities, local community interests and the local access forum, as appropriate;</li> <li>viii. describe in general terms how access might be affected by any social events taking place at the resort;</li> <li>ix. describe in general how the needs of any community events that impinge on the development area will be accommodated; and</li> <li>x. address how access will be accommodated during the construction phases.</li> </ul>	Explanatory Condition
32	No more than 500 houses for private sale shall be built under the permission hereby granted.	Explanatory Condition
33	The 'golf villas' and holiday apartment buildings hereby approved shall be occupied on a holiday letting or fractional ownership basis only, and none of these units of accommodation shall be occupied by any group or individual for more than a total of 12 weeks in any calendar year.	Explanatory Condition to be adhered to in perpetuity
34	No development shall commence (except works related to the construction of the championship golf course) until the following details are submitted to and approved by the planning authority, in consultation with Transport Scotland:	Requirement to satisfy not triggered

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	<ul style="list-style-type: none"> <li>i. plans showing the extent of the modifications proposed on the A90(T), necessary to mitigate the traffic implications of phases 1 and 2 of the development (as defined in condition 7 above), including mitigation works at the A90(T) Parkway/A956 roundabout, the A90(T) Ellon Road/B999 roundabout and the A90(T) Parkway/Scotstown Road roundabout;</li> <li>ii. the [provision of new or extended bus services to serve the development, including details of operating hours, frequency of service, route and timescale for introduction, together with evidence of an agreement with a public transport operator to provide the service(s), (in accordance with the proposed service outlined within the Fairhurst Transport Report, dated April 2008);</li> <li>iii. a comprehensive Travel Plan that's sets out proposals for reducing dependency on the private car, which shall identify measures to be implemented; the system of management, monitoring, review and reporting; and the duration of the plan; and</li> <li>iv. the road lighting/road drainage.</li> </ul>	
35	The development hereby permitted shall not be occupied until the existing A90 (T)/ Hill of Menie Access has been permanently closed and the A90 (T) road properly reinstated.	Requirement to satisfy not triggered
36	No additional development on the remainder of the site shall be occupied over and above that identified in phase 1 and phase 2 (as defined in condition 7 above) until after the opening of the new A90 (T) Balmedie to Tippetty dual carriageway upgrade and the construction of an additional grade separated junction in the vicinity of Orrock House north of Balmedie Village, to serve the development directly from the new dual carriageway. Plans showing the additional grade separated junction shall be submitted to and approved by the planning authority, in consultation with Transport Scotland, prior to the start of development on the remainder of the site.	Requirement to satisfy not triggered
37	<p>Prior to the occupation of Phase 1 of the development hereby permitted (as defined in condition 7 above), the following road works shall be implemented to the satisfaction of the planning authority, in consultation with the Transport Scotland, and in accordance with detailed plans first approved by the planning authority under condition 34 above:</p> <ul style="list-style-type: none"> <li>i. the proposed A90(T)/ development access roundabout;</li> <li>ii. the modifications to the A90(T) Ellon Road/B999 roundabout; and</li> <li>iii. the approved mitigation proposals to the A90(T) Parkway/A956 roundabout.</li> </ul>	Requirement to satisfy not triggered
38	Prior to the occupation of Phase 2 of the development hereby permitted the approved mitigation proposals to the A90(T) Parkway/Scotstown Road roundabout. Shall be implemented to the satisfaction of the planning authority, in consultation	Requirement to satisfy not triggered

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	with Transport Scotland and in accordance with detailed plans first approved by the planning authority under condition 34 above.	
39	Before each phase of the development is first occupied, the agreed bus services referred to in condition 34 above shall be introduced.	Explanatory Condition
40	No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, as agreed by Aberdeenshire Council Archaeology Service and approved by the planning authority. Thereafter the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the developmental site is undertaken to the satisfaction of the planning authority, in consultation with Aberdeenshire Council Archaeology Service.	Approved
41	Details of any external lighting installation that may illuminate any part of the golf courses and any other golf related development shall be submitted to and approved in writing by the planning authority, in consultation with SNH prior to its installation. Once approved, the approved lighting installation shall be implemented as part of the works on site.	Requirement to satisfy not triggered
42	A lighting scheme for the remainder of the development site, other than the golf courses and ancillary golf facilities, shall be submitted to and approved in writing by the planning authority before the installation of any such lighting. Once approved, the approved lighting installation shall be implemented as part of the works on site.	Requirement to satisfy not triggered
43	Waste management plans, incorporating on-site disposal, shall be submitted to and approved in writing by the planning authority, in consultation with Environmental Health. These plans shall be prepared for: i.the championship golf course; and ii.the remainder of the development site. In the case of the championship golf course, the plan must be submitted and approved before works start on that part of the site. In the case of the remainder of the development site, the plan must be submitted and approved before works commence on any part of the site, apart from the championship golf course. Once approved, the provisions of the approved plans shall thereafter be complied with.	Part Approved 43(i)
44	Details of any micro wind turbines to be installed as part of the development hereby approved shall be submitted for the further approval of the planning authority in consultation with the CAA and thereafter complied with.	Requirement to satisfy not triggered
45	Any plant and equipment, such as air conditioning, mechanical extraction, air receiver etc, must be designed and	Explanatory Condition

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	installed so as to prevent noise disturbance to adjoining properties.	
46	<p>Prior to works commencing on any part of the site, detailed construction method statement, which shall take account of the environmental management plan for the site and the individual species and habitat management plans, shall be submitted to and approved in writing by the planning authority, following consultation as appropriate with SNH, SEPA, Environmental Health and Transport Scotland.</p> <p>The method Statement shall include:</p> <ul style="list-style-type: none"> <li>i. details of buffer zones, public arrangements during construction, signage details and car parking for construction workers;</li> <li>ii. details of storage areas to be utilised during the construction period, which shall not be on the site access or any other access roads serving the development;</li> <li>iii. details of the installation of an effective wheel washing facility, which shall be retained in working order throughout the construction period on a particular part of the site and used such that no vehicle shall leave the site carrying earth and mud in its wheels in such a quantity which causes noise or hazard on the road system in the locality;</li> <li>iv. details of dust suppression measures to be employed at the site during the construction period;</li> <li>v. proposed hours of working;</li> <li>vi. details of any proposed construction access routes; and</li> <li>vii. details of a soil and sand management plan, which shall include maximum reuse of sand and soil within the site.</li> </ul> <p>Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provisions of the approved method statement, which shall be reviewed prior to the commencement of each phase of development and amended as required with the written approval of the planning authority and following appropriate consultation.</p>	<p>Pending - Current Planning Application submitted to address this matter.</p>



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APP/2018/1814      Appendix 13: Table showing all development granted, delivered and pending delivery

Development Granted (LDP Settlement statement allocation)	Development Delivered on site to date	Development pending delivery *
Two 18-hole golf courses (a championship links course and a second course); a golf clubhouse, golf academy and ancillary buildings; a driving range and short game practice area; a resort hotel (450 rooms) with conference centre and spa; 36 'golf villas'; accommodation for 400 staff (all of the foregoing comprising 'phase 1'); 950 holiday apartments in four blocks; up to 500 houses and community facilities.	Championship Golf Course	Extension to MacLeod House to provide Banqueting Accommodation for 400 guests, 6 additional hotel rooms and gym
	Driving Range, Short Game Area, Putting Green and Turf Nursery	Second Golf Course
	Golf Maintenance Facility	Up to 500 residential units
	Marketing Suite	Minimum of 50 leisure resort units
	Access Way	Community facilities (town hall and gym)
	Golf Clubhouse and Car Park	Shops
	Country Hotel + Lodge accommodation (21 rooms)	Offices
		Food and Drink uses

\* Development either approved but not yet implemented or currently pending decision.

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### Appendix 14: Design Review Panel Note

#### Aberdeenshire Design Review Panel

22 January 2019

**Ref:** APP/2018/1814

**Proposal:** Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure

**Address:** Land At Menie Estate, Balmedie, Aberdeenshire, AB23 8YE

**Panel:** Harry McNab, Ian Fraser, Janet Benton, Mark Donaldson, Stephen Bridges  
(A list of the Panel Members qualifications has been appended to this note)

**Officers:** Mairi Stewart (Chair – Planning Manager), Ann Ramsay (Case Officer – Senior Planner), James Hewitt (Planner – Minutes)

**Applicant:** Andy McNair, David Strathdee, Duncan Colin

**Observing:** Robert Gray (Head of Planning and Building Standards), Ruth O'Hare (Principal Solicitor), Darren Ross (Team Manager – Buchan and Formartine)

#### Introduction

The Chair introduced the Panel and those in attendance. The Chair outlined that her role was to facilitate the process and not to become involved in the discussion that her role was to seek consensus as necessary on issues arising and ensure the resulting report reflects the independent view of the Design Review Panel.

The main outcome of the Panel meeting would be a report outlining the matters discussed.

Panel members had no conflicts of interest to declare.

The role of the Panel was outlined as one of assisting those responsible for the development of the built environment and in this instance the main aims being the improvement of the quality of design within Aberdeenshire by offering independent, constructive yet impartial and informed advice on the design quality of proposals.

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### Developer's Presentation

The developer's architects (David Strathdee) provided an extensive presentation to the panel, which outlined:

- An overview of the proposed development and the wider Menie Resort Complex.
- The approach to designing the development.
- Inspirations behind the scheme.
- The influence of New Urbanism.
- The importance of McLeod House and the surrounding landscaping to the success of the development and in particular Chapter 1A.

Particular reference was made to the importance of the access points, which informed the initial road layout of the scheme. From this natural landscape features (Tree belts, water features etc.) and built heritage features were factored in. Development blocks – or 'chapters' were identified. The principles of New Urbanism informed the placement of houses within Chapter 1A and the development of the lane system.

### Panel Queries

Following the Presentation on behalf of the Developer, the panel asked a number of questions. The questions and answers identified a number of key matters for consideration, which are outlined below:

- i) The area of the development was queried and identified (in terms of the red line boundary, the detailed chapters and in the context of the wider resort complex)
- ii) The timescale of the development was queried and clarified. It was noted that the development is likely to span multiple LDP periods.
- iii) Affordable Housing was discussed. It was noted that Aberdeenshire Council's Housing Service are not seeking onsite contributions for these detailed chapters, however this may be required for future chapters. Discussions are ongoing.
- iv) The importance of highlighting the key characteristics of the Tree belts was highlighted.
- v) It was advised that further information on the treatment of tree belts (removal, retention and protection) would be of benefit.
- vi) There was a degree of confusion surrounding the loss of trees and whether mitigation would be provided. The agent stated that there would be no net loss of trees. Further details of mitigation would be helpful – notably compensatory planting.
- vii) The matter of quality vs quantity was raised in relation to tree belts. Efforts should be made to retain high quality specimens.
- viii) It was noted that it would appear that there is capacity to develop the site without detriment to the mature tree belts, and various associated designations. This could be considered and the impact of tree loss and the proposed relationship should be graphically demonstrated.
- ix) The significance of the tree belts to the setting of the B listed McLeod House was noted. At present the trees create an identifiable place around McLeod House – the proposal risks replacing an established place with a new one, with little connection to the original.

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- x) The matters surrounding landscape would benefit from further detailed information, in terms of a landscape strategy, clearer communication of how the design process has been shaped by and has taken account of the existing landscape features and better visual representations of the proposed scheme and its impacts. Graphic demonstration would be helpful. Overall the application is 'light' on detail and this should be addressed in a comprehensive Landscape Strategy.
- xi) The development would appear to have a number of hard edges, which could benefit from a softer transition into the landscape. While it is appreciated that the development site as a whole may address this issue, consideration should be given to how each chapter would sit within the landscape.
- xii) The use of a significant amount of back lanes, particularly as the primary pedestrian routes across the site was raised. The layout showed a lot of 'dead edges', backs of houses in public view. Concerns exist over the perception of safety, due to a lack of natural surveillance and overlooking. The developer advised that inspiration had been taken from a Chapleton, where lanes have been used successfully. This should be elaborated upon and again graphic demonstration would be helpful to justify the approach.
- xiii) The use of dual aspect or double fronted properties was raised in order to prevent back lanes from feeling as though they were an afterthought, although bearing this in mind, the properties must remain legible for visitors (i.e. it should be clear where the primary entrance to the property is).
- xiv) Boundary treatments should be given consideration, particularly within the lane system. Variation should be evident in order to prevent a monotonous or uninteresting street scene. Consideration should be given to ensuring back gardens interact with the lane system (i.e. lower fences, gates etc) in order to encourage social interaction. Overall a clearer demonstration of how the 'back lane' concept works is required.
- xv) The detailed chapter appears to suffer from a lack of housing mix in terms of density.
- xvi) Connectivity for Chapter 1A could be improved. At present the chapter is at risk of appearing separate from the wider scheme (by the distributor road and landscape features).
- xvii) The development appears to lack a focal point or heart that would be expected in a new settlement. Whilst Chapter 1B would provide a number of facilities, these would be located on the periphery of the site and would bear more relation to the leisure resort.
- xviii) A green corridor is evident within the wider site, however this concept should be developed further. An opportunity exists to enhance biodiversity and recreation. Local Plan policies pertain to creating opportunities for biodiversity. This should be clearly demonstrated.
- xix) An access plan should be provided, which highlights links within the development and those out with (such as to Balmedie Country Park, Balmedie Beach etc).
- xx) Site drainage was discussed. It was noted that the site contains a number of interesting hydrological features and an abundance of greenspace. This opportunity could be seized in order to create well integrated SUDS, which form part of the wider landscaping strategy.
- xxi) Carbon neutrality was raised. It was noted that measures would best be incorporated at the design stage, as opposed to retrofitting elements such as Solar

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PV panels – which may ultimately detract from the aesthetic of the site. The ‘fabric first’ approach should be taken further.

- xxii) The idea of relocating the Town Hall was raised. It could be relocated to a more central location within the residential section of the scheme, create a ‘heart’ within the community/village centre. This would be more in keeping with the creation of a new settlement and would create a useable and attractive focal point for the development. Future development that may eventually integrate the Town Hall into a focal/central location was likely to be a long-term prospect given the timescales of the local plan. (i.e. LDP 2032 if successful bids for further development).
- xxiii) The location of recreation areas was raised, with specific reference to children’s play areas and amenities. Successful places to live are dependent on well located amenity areas. It is noted that an area is proposed within Chapter 1B, however it is considered that this would be relatively detached from the residential areas of the scheme, and therefore may not be seen as a safe location for young children to travel to alone. Opportunities to create play areas closer to home should be taken, particularly where this can avail of the existing landscaping (for example within well overlooked wooded areas).

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### APP/2018/1814      **Appendix 15: Minute of Formartine Area Committee Meeting 26 March 2019**

#### **4B.      Reference No: APP/2018/1814**

**Planning Permission in Principle for Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie, Aberdeenshire, AB23 8YE**

**Applicant: Trump International Golf Links Ltd  
Agent: CMS Cameron McKenna**

The Committee was asked to provide preliminary views to Full Council for its consideration when determining the application.

The Committee first heard from the Senior Planner who briefly explained the nature of the application. She confirmed the details of the proposed Chapters (phases) in terms of the quantity, types and design of the houses within the development. Members were informed about the amendments which had been made to the original proposal (included in paragraphs 2.13 and 2.14) for Chapters 1 and 2. It was noted that the current application was a significant departure from the allocation in terms of the original phasing (as per the LDP 2017 Settlement Statement & outline planning permission APP/2006/4605) and Section 75 agreement but met the requirements of other key policies.

The Senior Planner explained that there was missing information in paragraph 4.23. The comment relating to the table should have read "5 of the 23 x 2 bed cottages to be used by the hotel as lodges".

The Scottish Environment Protection Agency (SEPA) still maintained objections to engineering activities in the water environment and disruption of Groundwater Dependant Terrestrial Ecosystem. Following an assessment of the updated Flood Risk Assessment (FRA) there were still issues where further information was required to assess the risk to the site. The information had been provided to SEPA and Flood Risk and Coast Protection and the Planning Service was awaiting responses.

Members were also informed that, whilst the site was covered by pockets of prime agricultural land, chapters 1A and 1B didn't include those pockets. As such the proposed development was not in conflict with that section of the policy and it was not considered as a departure from PR1 Protecting Important Resources.

It was noted that both NHS and Developer Obligations were seeking a contribution towards a new Health Facility in Ellon. NHS had stated that due to availability of workforce, demographics and affordability there was no plan to establish a new practice at Balmedie and any new patients from the Menie Estate would be expected to register in Ellon.



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Members then asked questions in relation to the access to the development; impact on existing and proposed roads network; a grade separated junction; outstanding objections from statutory consultees including Infrastructure Services (Transportation and Roads Development) and SEPA; tree protection and compensatory planting; coastal protection; protection of natural environment and protected species; affordable housing; tourist accommodation on site; economic benefits; Ecological Impact Assessment; implications for primary and secondary school provision; and location of recreation areas within the development.

It was noted that the site was currently accessed directly from the old A90 (now the B977 as of 1 April) to the northwest of the site. A new access point was proposed to the southwest of the site and would provide direct access to the old A90 with no direct links to the new A90 (B997). Particular reference was also made to the importance of the requirement to have 2 access points to the development which the developer had allowed for.

Transport Scotland had no objections to the proposals and had not requested a grade separated junction however, Infrastructure Services (Transportation and Roads Development) continued to have concerns regarding phasing and remoteness of the site. Additionally, further information on access for the refuse vehicles was also required, including a swept path analysis, to ensure sufficient space for manoeuvring vehicles. The developer had been advised of the additional information required. To date only indicative waste storage locations had been provided for Chapter 1B.

Members also emphasised that the development site was unable to provide walking access to local amenities and opportunities for cycling were limited. They expressed their dissatisfaction that the proposal failed to include the grade separated junction on the new Balmedie to Tippetty dual carriageway and that the development would inflict heavy traffic in Balmedie. It was noted that the further information on road layout, access to the development and grade separated junction would be provided to Full Council.

The Senior Planner clarified the issues connected to the loss of trees and protected species. In response to questions on tree removal and protection of ancient woodland, Members were informed that the Environment Team had recommended conditions to protect the existing trees during construction work and a compensatory planting plan would be provided by the applicant.

Members were also informed that a further Bat Survey would be required in the spring / summer. Additionally, repeat surveys would be required for Otters and Badgers. It had been requested to carry out a survey for Icelandic pink footed geese. Members expressed their disappointment about the lack of complete information on the impact of the development on protected species.

Members expressed their disappointment about insufficient information on the implication of the development on the required provision of a primary school. It was confirmed that the proposed development made no provision for affordable housing onsite. The Senior Planner confirmed that Aberdeenshire Council's Housing Service was not seeking onsite contributions for Chapters 1A and 1B. 25% affordable housing in the form of a commuted payment was agreed as a preferred option to provide much needed affordable housing in the Ellon Academy catchment area. Onsite affordable housing may be deemed as acceptable for future chapters and that would be assessed at the appropriate time.



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In terms of economic benefits, the Senior Planner noted that the changes in phasing of the development (including the delay in the development of the proposed hotel accommodation) and the provision of residential housing before tourism infrastructure made it less attractive economically. It was confirmed that an Economic Impact Assessment had been submitted but the applicant was looking to provide more information to be considered by the Full Council.

During the discussion, Cllr Johnston **moved** a motion to advise Full Council to **refuse** the application as it was a major departure from the Local Development Plan. There was no seconder for the motion so it could not be debated further.

After discussion, the Committee did not reach a consensus view on the application. Following consideration of the information provided, the Committee **agreed** to advise Full Council that members of the Committee had a mix of supportive, negative and neutral views on the application.

The Committee **agreed** to advise Full Council of the following matters discussed at Committee:

1. The planning application is a departure from Local Development Plan (LDP) and it fails to comply with the approved Masterplan.
2. The report to Full Council to provide further information on:
  - (a) economic benefits of the development,
  - (b) road layout, access to the development and grade separated junction,
  - (c) impact of the development on Icelandic pink-footed geese.
3. That opportunities highlighted by the Aberdeenshire Design Review Panel were not taken up by the applicant
4. The lack of affordable housing on site
5. Development in the area of ancient woodland should be avoided
6. There are outstanding objections from statutory consultees (SEPA, Scottish Natural Heritage (SNH) and Transportation)
7. Concerns are raised over accessibility and connectivity in line with national and local transport policies
8. Ability of the development site to provide active travel including walking accessibility to local amenities and connectivity in relation to cycling
9. General concerns over continued lack of information

The Committee **agreed** to request that further, more detailed information, be provided to Full Council on the:

1. economic impact of the development,
2. explicit view of Transport Scotland on the requirement for a grade-separated junction on the A90 Balmedie Tippet dual carriageway,
3. impact of the development on any protected species,
4. provision of primary school ,
5. construction traffic management plan (in particular to reroute the construction traffic away from Balmedie),
6. compensatory tree planting and further consultation with Forestry Commission,
7. greater population of appendices 12 and 13,
8. clarification of Transportation input to the Local Development Plan with regards to the site.



## Appendix 5

### EXTRACT OF DRAFT MINUTE OF MEETING OF FORMARTINE AREA COMMITTEE OF 3 SEPTEMBER 2019

#### APPENDIX A – PLANNING APPLICATIONS

**6A. Reference No: APP/2018/1814**

**Planning Permission in Principle for Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie, Aberdeenshire, AB23 8YE**

**Applicant: Trump International Golf Links Ltd**

**Agent: CMS Cameron McKenna**

Reference was made to the Minute of Meeting of the Committee of 26 March, 2019 (Item 4B) when the Committee had been invited to provide preliminary views on the application for consideration by Full Council. A report dated 21 August, 2019 by the Director of Infrastructure had been circulated advising that a significant amount of new information, seeking to address the outstanding delegated matters highlighted in the previous report, had been received and the Committee was invited to consider the application with the further information provided and provide preliminary views for consideration by Full Council.

Members were reminded of the provisions within the Council's Scheme of Governance, at Standing Order 7.2, which provided that no decision of a Committee should be revisited within a period of 6 months, other than in defined circumstances, and the Committee unanimously **agreed** to suspend Standing Order 7.2 to allow the application to be reconsidered with the additional information provided.

The Chair then advised that a request to address the Committee had been received from the applicant's agent and it was confirmed with the agent who was in attendance at the meeting that he no longer wished to proceed with the request.

The Senior Planner (G Spence) explained that the application was for a major development which, in the professional opinion of the Head of Planning and Environment, was a significant departure from the Development Plan and would therefore require to be determined by Full Council, following consultation with the Area Committee. He referred to a minor error in the report at the third paragraph under 4.21 and advised that the 2019 dates specified should be amended to read 2018. He explained that the application was for Planning Permission in Principle with full details having been submitted in respect of Chapters 1A and 1B allowing for a full assessment of those elements. A number of technical matters had now been addressed through the submission of additional information and he highlighted a number of amendments made to the original proposals including a review of the phasing arrangements which were considered to be minor in terms of the wider context of the development and no re-advertisement or further neighbour notification procedures had been required. Reference was made to the repositioning of the proposed Gym and Sports Hall in response to the submitted Flood Risk Assessment; the updated tree survey provided; the summer bat survey being undertaken which had not to date identified any roosts; representations received; consultation responses received; relevant planning policies and location of site departures; the planning history of the application site; Transport Scotland's response to the application which did not require a grade separated junction to be provided; contributions to health provision; and replacement tree planting proposed. He confirmed that the application represented a departure from Local Development Plan and, when considering the benefits the development could bring, the Service considered that the departure could be justified in the circumstances.

The Senior Planner then responded to questions from Members on increased traffic travelling through the village of Balmedie, impact on pink footed geese, loss of trees and compensatory planting proposals, education provision, economic benefits and phased delivery of the development.

Following a full discussion, the Committee –

- (1) did not form a view on the application; and
- (2) **agreed** to advise Full Council that further consideration of the following matters discussed at the meeting, was required by Full Council –
  - (i) the extent to which the application is a departure from the Local Development Plan;
  - (ii) the extent to which the application is a departure from the initial phasing and permissions previously approved;
  - (iii) the extent to which the departure is seen as justifiable;
  - (iv) the impact of the development on the community of Balmedie in terms of amenity given the anticipated increase in through traffic generated as a

result of the development and the lack of provision for a grade separated junction on the A90 Balmedie Tippetty dual carriageway; and

- (v) the potential impact of the development on primary and secondary school provision in the wider catchment area.

Having moved an amendment which was not seconded proposing that the Committee did not accept the approval of the application for Planning Permission in Principle for 500 dwellinghouses until the sequence of development is resolved, the Economic impact of the development is accepted, the issue of Education provision in the wider catchment area is resolved and the requirement for the provision of a grade separated junction is addressed, Councillor Johnston requested, as provided for in Standing Order 5.2.6, that his dissent from the foregoing decision be recorded.

